CONSTITUTIONAL LAW QUESTIONS

PENDING IN THE METHODIST EPISCOPAL CHURCH

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Mar.

CONSTITUTIONAL LAW QUESTIONS NOW PENDING IN THE METHODIST EPISCOPAL CHURCH, WITH A SUGGESTION ON THE FUTURE OF THE EPISCOPACY. CONTAINING ALSO THE NEW CONSTITUTION, TO BE ACTED ON BY THE GENERAL CONFERENCE OF 1896, AND A PAPER ON THE MAN AND WOMAN QUESTION.

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TO THE MEN AND WOMEN CALLED OF GOD TO SOLVE BY THEIR VOTE THE DEEP, FAR-REACHING QUESTIONS HERE BRIEFLY DISCUSSED, THESE EARNEST PAGES ARE RESPECTFULLY DEDICATED.

PREFACE.

IN no previous quadrennium of our history has there been before the Church, awaiting the conscientious deciding vote of her ministers and laymen, so large a number of grave constitutional questions. Part of the all-decisive voting is soon to begin. If any one believes sacred principles to be in jeopardy, and desires in his own sphere of influence to give effect to wise and temperate counsels, it is none too early for him to speak his mind. This little book, prepared in response to urgent requests, is one such utterance. I have tried to make it absolutely frank as respects my own personal convictions; also clear, fair-minded, faithful to facts and to all right principles. I hope it may induce others to speak with like candor, and

help many to vote with well-considered and intelligent conviction.

As to the standpoint of the writer in relation to the questions treated, the reader must judge from the book itself. I certainly am not the mouth-piece of any recognized party, liberal or illiberal. I shall be suspected of lending aid and comfort to the most radical leaders, yet I really write to unite and inspire my conservative brethren, and to give efficiency to their cherished principles. At bottom, as will be seen, I am even more conservative than they.

It is proper to state that the chapter entitled "The Action of the Last General Conference on the Eligibility of Women," was written, substantially as here given, immediately after my return from Omaha, and was submitted successively to two of the leading papers of the Church. In each case it was not

accepted for publication, but was declined on such grounds, and in so courteous a spirit, that the fact is here mentioned, not at all in a spirit of complaint, but only as an explanation of my long and, till now, unbroken silence on this notable question.

In the Appendix, and in the opening chapters, I have ventured to introduce some matters before printed, believing that they would aid in giving a greater completeness to the discussion, and that the reader would be glad to see them in a permanent and procurable form. At the present juncture, the second Appendix certainly ought to have more than a merely local or denominational interest. So far as I know, the Scriptural doctrine of the "Dual Human Unit" has nowhere else been so extendedly stated and applied to the pending problems of the Church Universal.

The Rev. David Sherman, D. D., the well-known author of the standard "History of the Discipline" and other works, has had the kindness carefully to examine the historic statements of the present work, and to assure me of their correctness. The pleasure of publicly thanking him for this service is enhanced by the consideration that he has expressed his cordial agreement with the legal principles underlying my discussions. May the auspicious verdict rendered by this recognized master in the field of our Church law prove a just indication of the judgment which hundreds of other readers shall in due time pronounce.

Above all, may it please God to make the here submitted pages promotive of truth and peace and edification in the great Church we love.

W. F. W.

BOSTON, January, 1894.

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CHAPTER FIRST.

THE CONSTITUTION OF THE GENERAL CONFERENCE NOT IDENTICAL WITH ITS CHARTER.

IN the Episcopal Address of 1888 the question was raised: "Have we a Constitution?" The General Conference of the same year, convinced that there was need for a more accurate determination of the organic law of the body, appointed an able Commission of seventeen experts to consider the subject with care, and to report to the General Conference of 1892. After four years of study and fraternal deliberation, the Commission presented at

Omaha their carefully drawn and unanimously adopted definition of what, in their judgment, constituted the written Constitution of the General Conference, only to see the General Conference itself set it aside and adopt an extemporized substitute.

This surely was a surprising outcome. It was not destitute of a certain aspect of ludicrousness, particularly as this live, law-making body, which did not know what or where its Constitution might be, was, at this same session, celebrating, with its more than two millions of constituents, the Centennial of its origin.

What was the trouble? Why was it that the strong, intelligent, and experienced men who led the General Conference could not place themselves in agreement with the no less strong, intelligent, and experienced men who led

the Commission? Two reasons alone explain the problem. The first is, that the General Conference leaders had not studied the subject as thoroughly as had the members of the Commission. The second is, that both the General Conference and the Commission applied to the total jurisprudence of the Church categories not sufficiently complex to fit the reality, and also terms that needed a sharper definition. Could the report of the Commission have been given to the Church for study a few months before the session of the Conference, a more satisfactory issue would probably have been reached.

The fundamental mistake of the Commission and of both General Conferences was in assuming that the whole body of our ecclesiastical laws could be distributed into two parts, and be brought under the two categories of "statutory"

and "constitutional," each term being taken in a narrow and absolutely uniform sense. They overlooked the important fact that some of the most fundamental portions of the organic law of a body may be found outside its written Constitution, and this without being, by any possibility, classifiable with the ordinary statutory legislation of the body, as that term is commonly understood.

Let me illustrate, selecting one out of a thousand equally pertinent examples. The corporation known as the Trustees of Boston University has a Charter given by the Commonwealth of Massachusetts. All the powers, rights, and privileges of the corporation are derived from this act of incorporation. Without it the body would have no legal corporate existence. But, besides the Charter, the corporation has a writ-

ten Constitution, and this contains many important provisions not found in the Charter. Then, appended to the articles of the Constitution, are certain By-laws, adopted at the same time, and, by nature and intent, regulative of the constitutional functions and rights of the body. No one of these can be altered except in accordance with an amendment process specified in the instrument. The organic law of Boston University, therefore, is found partly in a Charter, which can be changed only in concurrence with the Legislature; partly in a written Constitution, which can be changed only in a form consistent with the Charter and in the manner legally prescribed in the Constitution; and partly in By-laws regulative of constitutional action, which, in turn, can be changed only in a form consistent with both Charter and Constitution, and only

in a manner prescribed in the final By-law—an amendment restriction unlike the one attached to the Articles of the Constitution. Now, with the organic law of the corporation expressed in such a form as this—and our General Missionary Society affords an equally good illustration—it would plainly be unclear and confusing to say that everything not inconsistent with the "Constitution" was constitutional. A vote in violation of an Article of the "Constitution" would indeed be unconstitutional, but equally unconstitutional, in the legal sense, would be any vote violative of a Charter provision, or any violation of an organic By-law provision, however consistent with the so-styled Constitution the vote might be.

The failure of our ecclesiastical jurists and editors and General Conference debaters to distinguish between

the Charter and the Constitution of the General Conference has been complete. In all discussions touching the organic law of the governing body of the Church the resulting confusion has been truly deplorable. That the practical mistakes of the General Conferences have not been far more numerous and grave than they have is a wonder.

For the purposes of the present discussion it may suffice to point out two or three widely prevalent misconceptions. One of these is that a Constitution is necessarily a written instrument. This is a total mistake. No man ever yet saw or handled the real Constitution of the United States. That which we have read and studied is only a written or printed transcript of something that would exist in all its force to-day had every existing copy crumbled to ashes yesterday. The written

and printed copies are only the documentary evidence of the fundamental spiritual covenant of individuals and States on which the Nation is vitally built and administered.

Again, any covenant, written or unwritten, that fixes the name, membership, purposes, and powers of a society; the officers and the mode of their election; the time, place, and quorum for the transaction of the business of the society, has the nature and force of a Constitution, and is the Constitution of said society, whether it calls itself such or not. It is, therefore, a misconception to suppose that nothing can be a Constitution unless it bears the name, and is expressed in a particular literary form.

Again, a prescribed process for effecting changes is not at all essential to a veritable Constitution. We have all

seen men who claimed that the General Conference had no other Constitution than the six Restrictive Rules, and the reason they gave for this view was that these alone were protected from the law-making and law-amending power of the General Conference. The Episcopal Address of 1888 well answers so fallacious a reasoning. A present Constitution is a present Constitution, whether it provides for future modifications or not. Conceivably, it might remain in full force, unchanged, a thousand years. Nor in case a method for introducing changes is provided, need it necessarily apply to all parts and provisions of the covenant alike. It may expressly apply to the name, or to the statement of purposes, or to as many or few of the provisions of the covenant as its originators choose. Even greater variety is possible. Different

amendment processes may be prescribed for different parts, and parts unmentioned may even be trusted to the discretion of the society acting according to ordinary processes. All these provisions, or lack of provisions, are questions which prudent and far-sighted originators of Constitutions should carefully consider; but they neither make nor unmake what is, without them, already a Constitution.

Again, there is a radical difference between a Constitution created by a self-constituted body for its own government and the Constitution of a body which derives its being and powers and functions from a different body. The former is a Constitution in the ordinary American sense. The latter is a Charter in the ordinary American sense. It would greatly facilitate an understanding of our organic law if this distinc-

tion of terms could be everywhere maintained. From 1792 to 1808 the General Conference acted under a Constitution; from 1812 onward, it has worked under a Charter. The action of the General Conference of 1808 created a new and special corporation for the discharge of a trust. The legal creators of this trust were the assembled ministers of the Methodist Episcopal Church who had traveled four years. They alone possessed legitimate authority to make the necessary and expedient administrative rules and regulations for the Methodist Episcopal Church. Because of the impracticability of regularly meeting to do this, they, by a solemn and public deed of trust, transferred their just powers to a representative corporation then and there authorized—the Delegated General Conference. They prescribed the manner in which

this corporation should be constituted, conferred upon it ample powers, and put upon it six special Charter restrictions, which could not be relaxed save by a process requiring an initiative and prior action on the part of seven other bodies—the Annual Conferences—which by this provision became themselves something other and new; namely, perpetual associate trustees for the purpose and in the respect indicated. After executing this Charter, or trust-deed—or, better yet, this last will and testament—the original body disbanded, to meet in like Charter-giving capacity no more forever.

In the foregoing exposition I think all parties will agree. The Delegated General Conference is certainly not a self-constituted body, with a self-elaborated Constitution. Its primal organic law was a CHARTER conveying large,

yet guarded and defined grants of power for the purpose of carrying out a trust.

Now, the weak point in this new corporation was, that its members were not given a fixed and more or less permanent tenure of office. Had the Charter stated that each member of the Delegated General Conference should be elected for twelve years, or for eight years, or even for four years, and that he should hold office until his successor was elected, the General Conference would have been something very different in our history. The work of the body would have had a far greater coherence and consistency than it has had. In the absence of any legal determination of membership tenure in the Charter, the old convention idea was carried over into the new order, and soon, by a kind of common law, it came to be understood that the General Conference,

instead of being a perpetually living corporation for the execution of a perpetual trust, was merely a quadrennial convention to meet a quadrennial need. Accordingly, through forty-seven of every forty-eight months the Church has no supreme governing body, and even in an emergency would have to stop to create one, in accordance with legal provisions. A permanently constituted General Conference, with such standing organs as our Episcopacy, the General Missionary and Book Committees, and the Church Boards, with its stated quadrennial session, with the possibility of a special session to meet any emergency in any quadrennium—this would have been a power. Possibly it would have been attended with some dangers that we have now escaped; but, in any case, it would have given us a legislative and judicial development far more

coherent and organically mediated than our history now presents.

As things now are, and have been, each General Conference has a life of from twenty to thirty days only. Each such life is separated by a period of forty-seven months from every other. No completed action of one General Conference legally binds another. No General Conference can project itself forward into the next, or secure the return of a single one of its members. As a natural consequence all legislation is spasmodic and of precarious duration. All judicial deliverances are pronounced by ever freshly constituted courts—courts that have absolutely no precedents of their own, and that are to have less than thirty days of history. The wonder is not that we find, here and there, inconsistencies in the legislative and interpretative doings of

twenty-one Delegated General Conferences of this sort—it is rather that we find any fruitful and harmonious development of legal ideas and principles from quadrennium to quadrennium.*

We have found, then, that which, in its relation to the General Conference, corresponds to the Charter part of the organic law of Boston University. But, as we saw, the complete organic law of the university is not included in its "Charter," some of it being found in the articles of its written "Constitu-

* It is interesting to note that the first man to propose the creation of the Delegated General Conference—Jesse Lee, the apostle of New England Methodism—contemplated *annual* sessions, and possibly a twelve-months' tenure of office for the delegates. Thus, in Bishop Asbury's Journal, under date of July 7, 1791, we read: "This day Brother Jesse Lee put a paper into my hands proposing an election of not less than two nor more than four preachers from each Conference, to form a General Conference in Baltimore, December, 1792, to be held annually."

tion," and some in the appended "By-laws" regulative of constitutional functions and rights. Has, now, the General Conference, in like manner, come under any legal provisions or requirements of the nature and force of constitutional law, yet not laid upon it by the Charter it received in 1808? A slight examination shows that it has. Thus, in ¶ 62, Discipline of 1892, the provision fixing the qualifications of lay delegates is clearly of the nature and force of constitutional law. The same is equally true of the provisions found in ¶ 65: "The ministerial and lay delegates shall deliberate and vote together as one body; but they shall vote separately whenever such separate vote shall be demanded by one-third of either order, and, in such cases, the concurrent vote of both orders shall be necessary to complete an action." These and sundry

other provisions were no part of the Charter; yet had they been, they would have been no more sacredly binding, or fundamental, or organic, than they became on their enactment. Their relation to Charter requirements is precisely analogous to that of Constitution requirements to Charter requirements in the organic law of our Missionary Society. A vote forced through the General Conference, in defiance of the legal right of the members to call for a vote by orders, would be as unconstitutional, in the true sense of the word, as would a vote violating the Fifth Restrictive Rule.

From the present point of view, the right of our Annual Conferences to send reserve delegates, and the right of the General Conference to seat these and to make their voting legal, becomes interesting. The Charter gave no such rights

to either body. The legality of such a system was challenged at the very first Delegated General Conference—that of 1812. After a debate, the New England reserve delegates were admitted, and the principle thus countenanced; but the rights involved have never been authoritatively formulated and established in the shape of a constitutional article, or even in that of a permanent By-law regulative of constitutional functions. This illustrates the fact before referred to, that organic law may exist apart from written instruments, and even the further fact that the existence of a written organic law governing a body must not be interpreted as, of necessity, including all rights, duties, and powers of the body.

If asked to name any of the legal provisions of our Book of Discipline which might appropriately be regarded

as By-laws regulative of constitutional functions and rights, I would mention, as one, that relative to the rights of transferred preachers, given in the foot-note appended to ¶59. Another is that enacted the same year, relative to the rights of local preachers in the election of lay delegates. Could we call the foot-note attached to ¶62 another, we could in that way obtain, within the territory of organic law, a shadowy and distant, yet possibly valuable, recognition of our "common-law" provision for the rights of the Conferences to reserve-delegate representation.

In the next chapter we shall have opportunity to consider the bearings of the foregoing upon the question of the powers of the General Conference in constitutional legislation and definition. Here it must suffice to notice that, if our above-given analysis and exposition

are correct, most that has hitherto been written and spoken upon the subject is based upon such confusion of thought as to be of little value. Another clear inference is, that the Constitutional Commission was wiser and keener-sighted than the late General Conference, and that the action of the Conference on the first part of the report of the Commission was a blunder. Fortunately, the judicial interpretation of the Conference of '92 need not stand for all time; and, if the Conference of '96 shall consider the decision of the preceding one to have been erroneous, it will have unquestioned authority to reverse it. It is to be hoped, however, that no great number of General Conferences will devote themselves to the voting up and voting down of definitions of their own organic law before studying that law itself in some comprehensive and statesmanlike fashion.

CHAPTER SECOND.

POWERS OF THE GENERAL CONFERENCE IN CONSTITUTIONAL LEGISLATION AND INTERPRETATION.

IN the preceding chapter we have seen that the total written organic law of the General Conference, like that of the corporation of Boston University, or that of our Parent Missionary Society, or that of a thousand similar bodies, is found partly in a Charter, partly in certain enactments having the nature and force of organic law, though no part of the Charter, and partly in certain other enactments so essentially regulative and protective of constitutional functions and rights that they could, with about equal propriety, be expressed in the articles of a "Constitution," or

in a code of specially protected "By-laws" appended thereto. In accordance with this view we then saw that the trust-deed of the ministry in 1808, creating the Delegated General Conference, is to this day the proper Charter of the body; that such provisions as those in ¶62 and ¶65, Discipline of 1892, are parts of the Constitution of the General Conference, but not parts of its original Charter; and, finally, that certain other enactments of past General Conferences are clearly of the nature and force of By-laws regulative and protective of constitutional functions and rights, and hence parts of the organic law of the Conference. These distinctions, usually overlooked, are of value in many ways. Particularly does the distinction between Charter and Constitution greatly aid in any attempt to determine the powers of the General

Conference in constitutional legislation and interpretation.

What are these powers?

In answering this question we naturally and properly turn, first of all, to the Charter. This, at the beginning, was the chief written expression of the organic law of the body. It is, therefore, highly important to ascertain what powers this instrument, expressly or otherwise, warranted the General Conference in exercising with a view to the securing of modifications in its own organic law. The Charter provision for changes in the six Restrictive Rules gave the General Conference no authority to initiate any modification in these Rules. In the beginning its only power over these was to ratify, by a two-thirds vote, an amendment or change previously recommended by all of the Annual Conferences.

So far all writers are agreed. There is also perfect agreement in the statement that the "Restrictive Rule amendment process" expressly applies to nothing but the Restrictive Rule section, and that for the changing of any other part of the original Charter absolutely no express provision was made. The agreement ought not to cease the moment the question is asked: What shall we infer from this absence of express provision for changing any part of the Charter outside the six Restrictive Rules?

The more I reflect upon this question, the more evident it seems to me that we are shut up to one of three suppositions, namely: (1) The supposition that the creators of the Delegated General Conference *intended* to ordain for it an organic law which never should be capable of alteration save in the six

particulars named; or (2) That they *intended* to intrust the amendment or non-amendment of the parts of the instrument not included in those covered by the Restrictive Rule provision to the godly judgment of the General Conference itself; or (3) That they *had no intention whatever* touching the matter, in which case their apparent abstention from action has no hermeneutical significance, or moral bearing, or legal effect.

The last of these suppositions is so wildly improbable that I have never seen or known a man who avowed it as his understanding of the case. The first is even more incredible. I have yet to hear of one writer upon our Constitutional Law who has ever attempted to maintain it.

The only argument I have ever seen used against the second of the above

suppositions is a certain alleged unlikelihood that the authors of the Delegated General Conference would intentionally have intrusted so great a responsibility to a representative body. But it should be remembered that at that time every fifth man in the eldership was a member of the General Conference, and that, as these were ever freshly chosen for the service, they were almost certain to include the wisest and ablest and best constituents of the Annual Conferences. If the rank and file could not trust these picked men, ever newly chosen and ever returning again into the main body, to judge of the necessity or non-necessity of an amendment of the law touching their own quorum or time and place of meeting, how could they trust them with that greater prerogative—the "full power to make rules and regulations" for the whole Church, subject

only to the six Restrictive Rules? Moreover, under any constitutional safeguards ever devised, it is easy in thought to show how the most suicidal and irrational acts are possible; and partly because no Constitution-maker ever set himself to devise provisions under which a corporate body could not possibly do suicidal and irrational acts. The question is not, What possible abuses would be within the power of a majority of an unprincipled and godless General Conference on the second of the three suppositions?—it is rather, Is it incredible that the men who were thought the best living for the supreme government of the Church should also be thought honest enough to refrain from tampering with certain minor details of their own Constitutional Law except for good and sufficient reason?

It has often been observed that great responsibilities tend to produce conservatism. This is quite as true of great religious and philanthropic corporations as it is of individuals. Furthermore, the framers of the Charter of 1808 may have thought such matters as the prerogative of the bishops to preside over the legislation of the Church far safer in the hands of the General Conference than it would be in the hands of the Annual Conferences. They well knew and feared the democratizing spirit of the younger circuit preachers. If, on that account, as I believe, they deliberately and intentionally placed the power to amend all items of the Charter except the Restrictive Rule section in the hands of the General Conference, withdrawing them, as a measure of prudence, from all intermeddling on the part of

the then newly chartered Annual Conferences,* history has well vindicated their wisdom. The legal provisions so withdrawn from the action of the Annual Conferences have not merely been well conserved, but, as we shall soon see, the General Conference has, by its own authority, enacted for them a new and peculiar safeguard never dreamed of by the framers of the Charter. Moreover, a further historical vindication is seen in the fact that, throughout the life of the Church, all our radical and reformatory agitations have originated, not in the General, but in the Annual Conferences, and in the general body of the eldership.

The history of the amendments and attempts at amendment of the Charter show that, from the beginning until 1868, it was the unchallenged under-

* See below in Chapter Fourth.

standing of the Annual and General Conferences that the representatives of the Church in General Conference assembled could rightfully change any of the paragraphs that made up the Ch. —R. R. Sec. (For brevity's sake let us use this expression for those parts of the Charter not included in the Restrictive Rule section.)

It was, therefore, part of the unwritten Constitution.* I believe that history will be searched in vain for a solitary act contradictory of the above

* Bishop Harris, one of the greatest of our ecclesiastical jurists, puts the true view in a very striking light when he invites us to consider the possibility and the effect of abolishing all the Restrictive Rules in a constitutional way, thus leaving the General Conference in unshared possession of "full power to make rules and regulations for our Church." (The Constitutional Powers of the General Conference, p. 37.) And the bishop expressly argues that "rules and regulations" is an expression equivalent to laws in the widest legal sense of the term.

affirmation. Take the amendment of 1856, relating to the calling of a special session of the General Conference. This new provision of the organic law, found in the Ch.—R. R. Sec., was wholly the work of the General Conference. The Board of Bishops who recommended it seem to have had no thought that an appeal to the Annual Conferences was called for. In the debate none of the keen-eyed guardians of the Constitution so much as questioned the procedure. When accomplished, no Annual Conference ever claimed that the amendment had been effected in violation of the rights of the eldership. The just inference is that, as late as 1856, nobody either in the Annual or General Conferences had begun publicly to question the right of the General Conference to exercise its own godly judgment as to any needful changes in the Charter

items found in the Ch.—R. R. Sec.* I do not here say whether such a grant of power to the General Conference was wise or unwise; I only say that, in the light of the history of our constitutional legislation, it was, in the belief of the

* Should any over-sharp critic be tempted to instance the change in the Restrictive Rule amendment process, proposed in 1828 and completed in 1832, as opposed to the above contention, it will be well for him to turn back to the original action in 1828, where it will be seen that the change referred to was conceived of and described as an "alteration of one of the rules commonly called the Restrictive Rules." President Wilbur Fisk, who introduced the original motion, treated the amendment proviso as an integral part of the Restrictive Rules, and the Journal of May 24th abundantly shows that the Conference proceeded upon the same idea. Indeed, as originally adopted by the Conference of 1808, the proviso was numbered as the sixth and last of the series of restrictions on the power of the General Conference. On this account it was logical, and on other accounts it was reasonable that they should have made a difference between the Restrictive Rule amendment proviso and such a part of the Charter as that relating to special sessions or place of meeting.

Annual and General Conferences till a recent date, an actual grant, conferring a real Constitution-amending power. I also maintain that the supposition that it was the *intention* of the creators of the Delegated General Conference to grant this power is far more credible than the supposition that they intended to make the first half of the Charter forever unchangeable, or that they intended to place the whole Charter under the Restrictive Rule amendment process,* or that they intended to convey the power of amending wholly

*Bishop Merrill, in the speech of 1868 (revised pamphlet ed., pp. 10–16), so emphatically declares and demonstrates the untenableness of this position that one wonders to see so clear-eyed and careful a disciple as Dr. Neely, in his "Governing Conference in Methodism" (pp. 383–388), arguing that the whole Charter is, and always has been, under the amendment provision attached to the Restrictive Rules. It is, moreover, noticeable that in his protracted argument he nowhere advances so much as a claim that the

to the Annual Conferences, or wholly to their own successors in the undivided eldership of the Church.

Coming, now, to the General Conference of 1872, we find a notable amount of what one may call either Charter-amending or Constitution-making—whichever one chooses. I call it the latter in essence, the former in form. As to its bearing upon our investigation, the name we give it is wholly immaterial. The really significant fact is that the legal provisions then put into the chapter on the General Conference were

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framers of the instrument *intended* to extend the safeguard of the Restrictive Rules to the earlier part of the document. To have raised the question of the intentions of the framers would have been fatal; "for it is a well-known and well-established principle of law, as well as of construction, that the enumeration of parts excludes all that is not enumerated." (Merrill.) That is to say, the enumeration of the Restrictive Rules, as subject to the process, necessarily excluded from that provision all other portions of the Charter.

of the nature and force of organic law, and were organic law. They even had a potent safeguard against hasty amendment added; to wit, the provision for a vote by separate orders. The force of this, as a specifically constitutional safeguard, was, however, a little obscured by the extension of it to every kind of vote that might ever be taken in the Conference. This extension had also a further effect, of remarkable interest to every student of our organic law, yet one I have never seen so much as mentioned. It was this: *It altered the Charter safeguard of all the Restrictive Rules without any action on the part of the Annual Conferences, and by General Conference action only.* The alteration was in the direction of greater safety, and its effect upon this peculiar provision of the Charter was perhaps unthought of; but the facts at least show that the ex-

ercise of large powers in constitutional legislation by the General Conference has not weakened, but rather strengthened, the only express safeguards of the original Charter of the body.

Summing up, then, my conclusion is, that the "full power to make rules and regulations" conferred on the General Conference at the time it was chartered included, and was understood to include, the power to make for its own government, and to incorporate into its organic law, any regulations judged necessary in order to the more effectual promotion of the welfare of the Church, subject only to the express restrictions of the Charter, and to any unrepealed restrictions which it may itself have ordained. It seems, also, to have had and used the liberty to print such new regulations in those parts of the Charter amendable by it; or, at its discretion, in

the form of independent enactments; also, to present them in the older form of question and answer, or, if it pleases, in the form of canons of ecclesiastical law. Should it care to do so, it unquestionably has authority to digest and publish the sum total of its present organic law in the conventional form of a Charter and a Constitution, with or without a code of By-laws, and this without any concurrent action on the part of the members of the Annual Conferences. I am not gratified to reach some of these conclusions. I do not say that such powers of the General Conference in constitutional legislation were wisely bestowed, or safe, or defensible; I simply say, they existed at the beginning, and have never been taken away.

CHAPTER THIRD.

POWERS OF THE GENERAL CONFERENCE IN CONSTITUTIONAL LEGISLATION AND INTERPRETATION.

[CONTINUED.]

PASSING, now, to the second part of our present subject—to wit, the powers of the General Conference in constitutional interpretation—we reach a question on which hardly anything has yet been written. Indeed, I can not remember ever to have seen a single treatise, or essay, or address devoted to it. Such a state of things is not creditable to our great Church jurists and professors of Methodist law; for the question itself is certainly one of the most important in the whole field of ecclesiastical jurisprudence.

The right of our General Conference

to interpret its own organic law, and judicially to define the terms in which it is expressed, has never, to my knowledge, been questioned. No man has ever claimed that this right was vested, or even ought to be vested, in the Annual Conferences, or in the Annual and General Conferences combined. Everybody agrees that it belongs to the General Conference exclusively. The first Delegated General Conference exercised it when it considered and decided the question whether the Conference had power "to resolve itself into a Committee of the Whole;" the latest General Conference exercised it when it considered and decided the question, what paragraphs of the "Discipline" constitute the written Constitution of the Conference. No principle in our fundamental law is more certain and unquestionable than this: that the su-

preme judicial power for the official and authoritative interpretation of the Constitution and statutes of the General Conference is the General Conference itself, and the General Conference only.

Such being the case, it is worthy of remark that the written Charter and the written constitutional ordinances of the body contain, so far as I am aware, no form of statement directly or indirectly declarative of this fundamental and most vital right. The fact almost startlingly illustrates a truth before referred to; namely, that the real Constitution of any organized body of men is not a written or printed document, but that mutual understanding and agreement of which the document is a more or less complete and more or less incomplete description.

At this point a peculiarly interesting question presents itself; namely, whether

the General Conference can enact an unconstitutional law that shall not be void. At first view this seems an almost foolish question, but in reality it is very far from it. By an unconstitutional law I of course mean a law that is not in harmony with the organic law of the body at the time of its consideration and enactment. Suppose such a law to be enacted in due form by our General Conference, would it, or would it not, be binding?

Before replying, let us listen to one of the most authoritative and careful jurists in the field of constitutional law—Judge Thomas M. Cooley. He says: "An unconstitutional enactment is sometimes void, and sometimes not; and this will depend upon whether, according to the theory of the government, any tribunal or officer is empowered to judge of violations of the Constitution,

and to keep the Legislature within the limits of a delegated authority by annulling whatever acts exceed it. According to the theory of British Constitutional Law the Parliament possesses and wields supreme power, and if, therefore, its enactments conflict with the Constitution, they are nevertheless valid, *and must operate as modifications or amendments of it.* But where, as in America, the Legislature acts under a delegated authority limited by the Constitution itself, and the judiciary is empowered to declare what the law is, an unconstitutional enactment must fall when it is subjected to the ordeal of the courts." *

Now let us take a concrete case. We have seen that in our Constitution it is a fundamental principle that the right

* Principles of Constitutional Law, p. 24. (Italics mine.)

of final and authoritative decision in all questions of law is vested in the General Conference. But suppose a General Conference were to enact that an appeal to the bishops could be taken from any General Conference decision on a question of law, and that the bishop's decision should be final? Such an enactment would be wholly unconstitutional, and even anti-constitutional, at the time of its consideration; but, once passed by a majority vote, I do not see how its invalidity could be shown. As in the case of an unconstitutional act of Parliament, it would simply "operate as a modification or amendment of the Constitution." Thenceforward, so long as the enactment remained unrepealed, the right to appeal from the General Conference to the Board of Bishops would exist; and, though any subsequent General Conference could repeal the law by

a majority vote, the previous constitutional right of the General Conference would be, during the continuance of the law, no longer a constitutional right of the body. In this case I think any court in Christendom would say: The British constitutional principle applies, and the legal effect of the unconstitutional enactment is a valid modification or amendment of the Constitution.

This revelation of the Constitution-making and Constitution-amending power of the General Conference will come as a surprise to many who read these lines. To my own mind it first came with startling effect. I had never before fully realized all the logical implications and consequences of that un-American system of government which locates in one and the same body supreme legislative, executive, and judicial powers, particularly under a Constitu-

tion whose written provisions are extremely few and largely negative. My purpose, however, in these pages is, so far as I may be able, to ascertain and state the facts—not what I could wish were facts. Possibly a square facing of the defects of our present organic law may induce the Church to give a more adequate attention to the great work of preparing the new Constitution to be acted on in 1896.

Another important question here arises, to wit: With whom is vested the right of revising and, if necessary, of modifying or setting aside interpretations or definitions of organic law as made from time to time by General Conferences in the exercise of their supreme judicial powers? There can be but one answer, and that is, that this right is vested in the General Conference, and in the General Conference

only. Being itself the supreme court, its judicial deliverances can not be disallowed, corrected, or confirmed by any other. Like decisions of the Supreme Court of the United States, they simply stand until modified, set aside, or reversed by the court itself. And as the Supreme Court of the Nation can today, by a simple majority vote of one, establish a principle which a year ago it expressly disallowed, so, conceivably, the General Conference of one quadrennium may, by the narrowest majority vote, set aside with perfect legality a judicial decision of the previous quadrennium, and this though the original decision had been promulgated by an action absolutely unanimous. Even in so supremely important a judicial definition as that adopted by the late General Conference relative to the actual written Constitution of the body, the

action is no more a finality than was the vote by which it fixed the boundaries of the Congo Mission Conference. Should the next General Conference, or a majority thereof, consider that the constitutional definition of 1892 was a mistake, it will have both the right and the duty of setting it aside. The only such decisions which may not thus at any time be set aside by a majority vote of the Conference, are those which may have created new rights, or which may come under the legal principle, *Actus inceptus cujus perfectio pendet ex voluntate partium revocari potest; si autem pendet ex voluntate tertiæ personæ, vel ex contingenti, revocari non potest.*

If what we have above stated is correct, it is evident that the powers of the General Conference in constitutional interpretation and definition are little less than unlimited. The most sacred ju-

dicial decisions are at the mercy of any later majority vote. Even an unconstitutional enactment may be just as binding as a constitutional one, and may operate as an amendment to the Constitution itself. Surely such a situation is not without peril. Instead of inflaming partisan feeling over this or that act of the General Conference, it is surely wiser to discuss with coolness and wisdom the principles on which all should unite in constructing the Constitution to be.

At the late General Conference the Commission on the Constitution presented a draft of the instrument which they desired to see adopted and submitted for ratification to the Annual Conferences. Its authors included men who are reputed to be the most conservative of all our Church leaders. Their production, however, was by no means conservative enough for me, who some-

times am supposed to incline toward a certain mild and tempered radicalism. Accordingly, at a moment when a hasty and ill-considered adoption of the draft seemed imminent, with no disrespect for the conservative Commission, I ventured to print in the *Daily*—the only method of proposing amendments then open to us under the rules of the Conference—the following:

THE JUDICIAL POWERS: AN AMENDMENT CALLED FOR.

In view of the fact that judicial interpretations of the Constitution of any body are quite as important as legislative amendments of the same, the undersigned would recommend the General Conference to consider the expediency of adding the following to the Limitations and Restrictions enumerated in Article Ten of the proposed Constitution, to wit:

"7. In formally and authoritatively interpreting and declaring the true meaning of any of the provisions of this Constitution a majority of at least two thirds of the General

Conference present and voting shall be required."

Without such check exceedingly grave changes in the composition, powers, and limitations of the General Conference might be made by a majority of one.

WILLIAM F. WARREN.

Fortunately, neither the proposed Constitution nor the hastily proposed amendment was adopted, and the field is now free for the fullest deliberation. I allude to the matter here only to show that even the Commission had not given to the subject of constitutional interpretation the careful attention which it manifestly deserves.

It may not be known to all readers of these lines that our Southern brethren, in safeguarding the Methodist Episcopal Church, South, have introduced, at the close of the original chapter on the General Conference, the following words: "Provided, that when any

rule or regulation is adopted by the General Conference which, in the opinion of the bishops, is unconstitutional, the bishops may present to the Conference which passed said rule or regulation their objections thereto, with their reasons, in writing; and if then the General Conference shall, by a two-thirds vote, adhere to its action on said rule or regulation, it shall then take the course prescribed for altering a Restrictive Rule; and, if thus passed upon affirmatively, the bishops shall announce that such rule or regulation takes effect from that time."

This provision is of special interest in the light of the facts and principles we have above considered. First of all, by providing what Judge Cooley calls "a tribunal empowered to judge of violations of the Constitution, and to keep the Legislature within the limits of a

delegated authority by annulling whatever acts exceed it," the Church South takes its whole legislation out from under the sway of the British Parliament principle, and renders it with them forever impossible for an unconstitutional enactment to be of force and actually to amend the Constitution.

In the next place, the provision is of interest as showing how wholly unnecessary it is that in our own Church the supreme judicial power of deciding all points of law should always remain, as now, vested in the General Conference. Many have spoken and written as if there were no help for this; or, at any rate, no help short of a radical reconstruction of our whole government on the basis of a "two-house" Legislature and a distinct judicial tribunal of last resort—a supreme court. In the Church South we see, first, the court of the

bishops, with certain powers; then, beyond them, a supreme court, in which all the Annual Conferences and the General Conference sit and decide upon the constitutionality of any challenged enactment of the Church's legislators.

The Church South plan illustrates another fact too commonly overlooked; namely, that conditional judicial deliverances may yield an unconditional and final judicial result.

Most men think that a court of last resort must be one body, and that its deliverance must be categorical. Here we see forty-three annually meeting courts, and one quadrennially meeting general court, each rendering a verdict conditioned as to its final character and effect upon the equally conditioned verdict of every other. The judicial result, however, is precisely as definite and final as if it were a categorical yes or no

from the Supreme Court of the United States.

Even in our own Church there is room for conditioned judicial decisions of unconditional constitutional validity. In the session of 1832 an amendment to the "Restrictive Rule amendment process" was before the Conference. It had been formally recommended by every Annual Conference save one; possibly, by that one—the Illinois—but the evidence was not in hand. On unanimous assurances, signed by every delegate to that Conference, to the effect that, whatever the lack of evidence of formal action, there certainly was in the Conference no intention or desire to hinder the adoption of the amendment, the General Conference assumed that the requirement of the law (which at that time required the concurrent recommendation of all the Annual Con-

ferences) had been met, and proceeded by a unanimous adoption of the amendment, to make it a part of its own organic law. Suppose, now, that a day before the session was to close, doubts had arisen as to the real acts and intents of the Illinois Conference, and the General Conference had been summoned by the bishops to pass upon the legality of the amendment and the suitableness of its publication in the Discipline. In view of the shortness of the time and the importance of the question, the General Conference might very properly have rendered this conditional decision, to wit: The Senior Bishop and the Secretary of the General Conference should proceed to Illinois, examine the records of the Illinois Conference, and, if they found satisfactory written or parole evidence that the Conference had duly adopted the recommendation, the

amendment should then be declared constitutionally effected; if they failed to find such evidence, it should be declared void, and should not be inserted in the Book of Discipline. Had this been the actual history who can doubt that the absolute and unconditioned result of this conditional interpretation would have stood in any legitimate court of review?*

* Curiously enough we have, in the same General Conference, a precisely parallel case of conditional *legislation* on a constitutional question; namely, that in which the following act was passed as a way of settling the Canadian brethren's claim on the funds of the Book Concern without violation of the Sixth Restrictive Rule: "*Resolved*, That if three-fourths of all the members of the several Annual Conferences who shall be present and vote on the subject shall concur herein, and as soon as the fact of such concurrence shall be certified by the Secretaries of the several Annual Conferences, then the Book Agents and the Book Committees in New York shall be, and they are hereby, authorized and directed to settle with the agents of the Canada Conference on the following principles and preliminaries," etc.

Would it be wise for us to incorporate into our Constitution of 1896, the judicial feature of the Church South's General Conference Constitution? Before answering this question it will be useful to ask another: What are the *present* powers of our Annual Conferences, and of our laity, in constitutional legislation and interpretation? In the next chapter this inquiry will be taken up.

CHAPTER FOURTH.

POWERS OF THE ANNUAL CONFERENCES, OF THE UNDIVIDED ELDERSHIP, AND OF THE LAITY, IN CONSTITUTIONAL LEGISLATION AND INTERPRETATION.

MANY persons forget, or never knew, that in effecting modifications of our Constitutional Law the General Conference may have, and has had, three co-efficients: First, the Annual Conference, as such; second, the aggregate of the traveling eldership who make up those Conferences; third, the lay membership of the Church, male and female. Much unclear and fallacious arguing has resulted from this obliviousness or ignorance. In order to show the necessity of clear distinctions between the first two, let us suppose a case. It is only by and with the advice of Annual Con-

ferences—that is to say, of at least two-thirds of the whole number of Annual Conferences—that the bishops can legally call an extra session of the General Conference. Again, only in confirmation of a vote of three-fourths of all the traveling elders can the General Conference suspend or alter one of the Restrictive Rules. If, therefore, every member of the Board of Bishops and every member of the late General Conference believed it supremely necessary to hold an extra session of the General Conference next year to modify a Restrictive Rule, and three-fourths of all traveling elders were of the same opinion, it might yet happen that these three-fourths would be found so concentrated in the large Conferences that the required two-thirds of the Annual Conferences could not be found to advise the calling of the extra session. In such

a case it might even happen to be the constitutional right of the one smallest Annual Conference to override the judgment and block the purpose of three-fourths of the entire traveling eldership, and of a unanimous General Conference, and of a unanimous Board of Bishops. This surely shows, in a striking light, the importance of clearly discriminating between the aggregate of the Annual Conferences and the aggregate of the men composing them.*

The original rights of the Annual Conference, as such, in respect to alterations in our Articles of Religion, Restrictive Rules, and General Rules, were greater than now. *The original act of 1808 chartered the Annual Conference as*

* The foregoing illustration proceeds upon the assumption that the law for calling special sessions is as stated in the latest edition of the Discipline. Farther on, in Chapter Ninth, we shall have occasion to examine this assumption.

truly as it did the General Conference. If the General Conferences after that date were essentially different bodies from those that bore the name before, the same is true of the Annual Conferences. The *Freibrief* of the quadrennial body is also the *Freibrief* of the annual bodies. By it the bodies previously called Annual Conferences lost their previous powers and rights of co-operative law-making. They became transformed into ministerial electoral Conferences with defined judicial and executive duties, and with wholly new responsibilities toward a wholly new and superior organ of the corporate authority of the Church. However great the emergency, no extra General Conference could, at the beginning, be held unless every one of the Annual ones united in the call. However unanimous a General Conference might be

in approving any modification of a Restrictive Rule, no smallest change could be made unless it were first recommended by every one of the Annual Conferences. In the quadrennium, 1824–28, the single Conference of Philadelphia, in the exercise of its unquestionable constitutional rights, did actually thwart and effectually veto the otherwise unanimous desire of the Annual Conferences and of two General Conferences.

But while the Constitutional Convention of 1808 gave to the Annual Conferences such great powers, and constituted them co-trustees of the Restrictive Rule section of the common Charter of all the Conferences, it did not deposit with them its own Constitution-making powers, nor recognize in them the already existing depositaries thereof. By limiting their powers over the Charter to the

recommendation of alterations in the Restrictive Rule section, it clearly and incontestably removed the remainder of the instrument from their touch. Moreover, by conferring upon the General Conference "full powers" for everything not placed under the restrictions of the last section, it made the General Conference exclusively the depositary of all remainders of its own Constitution-making and other legislative authority. This is the only reasonable and consistent view of the case, and the only view I ever knew to be taken by a man who had not some ulterior purpose to serve.

That obstructive action of the Philadelphia Conference, above referred to, had in the end a profound effect upon our Constitutional Law. It led to three changes in the co-trusteeship of the Restrictive Rule section. These were

perfected in 1832. By one of them the Annual Conferences lost, and the aggregate traveling eldership gained, the right of being the co-efficient of the General Conference in changing the Restrictive Rule section. By a second the old right of the Annual Conference to initiate action in the change of a Restrictive Rule was gained, not only by the aggregate eldership, but also by the General Conference. By the third, the change of the first Restrictive Rule was removed from direct amendatory action on the part of any party—General Conference, Annual Conferences, or aggregate eldership.

Besides these losses of Constitution-modifying power, the Annual Conferences have experienced two others. First, that by which the General Conference of 1856, in the exercise of its just constitutional powers, changed the

amount of Annual Conference action required, in order to the holding of an extra session of the General Conference, from absolute unanimity to a vote of two-thirds of the bodies. Second, that which resulted in 1872, when the quorum law of the General Conference was so altered as to omit from the quorum article the original designation of the delegates as "*representatives of the Annual Conferences*," and, with other legislation, practically to change the character of the delegates from such representatives into co-representatives with their lay brethren of the total ministry and laity.* Since that time no further change has affected their powers, though the movement for equal lay and ministerial representation seems

* These statements assume that the change of the quorum law was validly affected. (See Chapter Ninth below.)

likely, in the near future, to reduce it a little in certain conceivable cases.

From the above facts it is clear that the right of the present undivided traveling eldership of the Church to share with the General Conference in the custodianship of the Restrictive Rules is not a right inherent in the order of elders as such. These men have it only because their eldership is held and exercised in a peculiar way and in the Methodist Episcopal Church. Even our lay elders have it not, though they are the peers of the pastoral elders in respect to orders. Moreover, the aggregate pastoral eldership of the Methodist Episcopal Church has this right only because the General and Annual Conferences of 1828–32 gave it to them, and the General and Annual Conferences in 1828–32 could give it only because they had received that author-

ity under the great Charter and trust-deed of 1808. Moreover, the grantors of that Charter had the authority to give it only because they were the legal and legitimate successors of the creators of the Church in 1784. The right is by no means what an honored member of the General Conference of 1868 represented it. Whatever may then have been the case, the traveling ministers of to-day are by no means the rightful and only rightful bearers of the inherent rights and powers "of the denomination for purposes of government." Such a view is more un-Methodistic than Presbyterianism is; for Presbyterianism has a place for the laity in Church government. It is manifestly un-Protestant. Best of all, it is manifestly false.

This brings us to the question whether, by our Constitution, written or unwritten, the laity of our Church have any

powers in constitutional legislation and interpretation. An unbiased mind can answer this only in the affirmative. What are they? At least these seven: First, the power of petition and of loyal agitation of desired reforms. Second, the power of instructing delegates by Electoral Conference action. Third, the power of proposing, through their own delegates in the General Conference, desired changes in the Constitutional Law of the body. Fourth, the power, through authorized delegates, of casting a vote for or against all constitutional changes within the competence of the General Conference. Fifth, the power to share in final General Conference action on all Restrictive Rule amendment questions. Sixth, the power to block all obnoxious General Conference legislation on constitutional questions. Seventh, the power to block all obnoxious

General Conference judicial interpretations of constitutional law.

So far, I think, all intelligent persons will agree with my statement of the relation of the laity to this matter. The place of the *plebiscite*, or *referendum*, in our organic law is, however, not so well defined. In view of the fact that four out of the last nine General Conferences have resorted to it, and that, in some of the cases, there has been an express announcement of the willingness of the General Conference to approve the proposed measure in case a majority of the people favor it at the polls, any one can see that the principle of according to the laity at large a voice in constitutional changes profoundly affecting their rights or privileges, has had among us legal recognition.

Moreover, I think that any just sec-

ular tribunal, regularly invoked to pass upon the action, would almost certainly decide that whenever the General Conference, on its own motion, refers a measure to the vote of the lay membership, it is bound in honor, if not by a binding provision of the Church's *lex nata*, to refrain from vetoing and overriding on its own authority the express judgment and will of the people. Furthermore, were any future General Conference to order a plebiscite, and a disaffected minister were to undertake to disfranchise the women of his pastoral charge on the ground that the General Conference in its order had invited only the laity to vote and had not said "male and female laymen," I feel sure that, in view of the history and precedents of plebiscites in our Church, the protest of the disfranchised members would be most fully and effec-

tually sustained by the Supreme Court of the Nation.

After this survey of the legislative rights and power of the co-efficients of the General Conference in modifying our organic law, we are perhaps prepared to return to the question whether our Church would do wisely to adopt that feature of the law of the Church South which provides, as we saw, for the testing of the constitutionality of every enactment: First, by the bishops; then, if necessary, by the reconsidering General Conference and the Annual Conferences in a manner parallel to the Restrictive Rule amendment process. In Chapter Third, above, I pointed out the manifest advantages of the plan, but not the drawbacks. The chief of these latter are: First, the obstructive power which it lodges in the hands of the bishops, a body always and of necessity

hyper-conservative. Second, while the power so given to the bishops is sure to be used obstructively with respect to all General Conference action at all encroaching on just episcopal rights and prerogatives, its use in case of legislation unduly promotive of these rights and prerogatives is not equally certain. As a consequence, the plan provides a safeguard against but one of the two classes of acts into which the total legislation will naturally be divided in the view of this first court having jurisdiction. Third, under such a system the growth of the power and official claims of the Episcopacy would seem certain to advance little by little in the direction of dangerous and prelatical proportions. Fourth, the remaining requirement of the plan—namely, that a challenged law shall be compelled to gain for itself the support of two-thirds of the General Conference

and three-fourths of the traveling ministers—is not, perhaps, too stringent; but it is resorting to a cumbrous method, and one that consumes many months. It is an application of the principle of the Hamilton amendment to every rule or regulation whose constitutionality the bishops see fit to challenge. If some of our leading ministers and laymen make such an outcry against the solitary application of that principle when it is for the decision of a supreme constitutional question, and when it is done on the unquestioned authority of the General Conference of which they themselves were members, what will they not say against placing in the hands of the Episcopacy alone the power to attach a Hamilton amendment to each distasteful regulation which the General Conference may see fit to adopt? Fifth, and finally, whatever of force

there is in the allegation that the Restrictive Rule process is, even in the Church South, too cumbrous for the final testing and determination of the constitutionality of General Conference enactments, the objection applies with greater emphasis against the introduction of the same procedure in our own Church. Our aggregate traveling eldership is made up of many nationalities and races, dwelling in many lands. We soon shall have hundreds, perhaps thousands, of such elders, who are native Chinamen, Hindoos, or Central Africans. While all of them will have a joint interest and right in the custodianship of such fundamentals as those safeguarded in our Restrictive Rule section, it would be useless and absurd to expect of the members of many of those mission Conferences an ability to test and judicially and finally to determine the

constitutionality or unconstitutionality of doubtful enactments of the General Conference, measuring each by the written and unwritten organic law of our supreme Legislature. For a court of final appeal, even in concurrent jurisdiction, the aggregate traveling eldership of our Church is manifestly too widely scattered and too poorly instructed in Constitutional Law and its history in our body.

CHAPTER FIFTH.

THE QUESTION OF NEW SAFEGUARDS.

CONSIDERING the fact that the one sole safeguard of the original Charter of the General Conference applies to but six of the almost innumerable things which the body may feel disposed to do, and the further fact that four of the five original parts of the Charter itself have no protection against the most extemporaneous exercise of the amending power of any majority of the delegates, it is not strange that the thought of the late Constitutional Commission was directed to the devising of some new and reasonable check upon the legislation, and particularly upon the Constitution-amending legislation of the Conference. To effect this object the

Commission first digested into one formal Constitution the provisions which, in its judgment, should be there (whether now in the Charter or not), and then appended to the whole the original Restrictive Rule amendment proviso. This doubtless was a step in the right direction; but it falls far short of relieving us of the perils indicated in the foregoing pages. The new organic law would be deficient at precisely the same point as is the old. The new extension given to the original safeguard does not reach the root of the difficulty. Indeed, by expressly stating that "all questions of law shall be decided by the General Conference," it puts into the written Constitution itself the one principle that relaxes every other—the one principle that confers upon each latest judicial decision, and even upon each latest legislative act, a character more authorita-

tive and binding than can be any counter-decision based upon older laws and constitutions, whether these counter-decisions are rendered by dissenting members of the body, or by the entire Board of Bishops, or by the whole membership of the Annual Conferences, ministerial and lay. Under the proposed law, as under that of the British Parliament, every statute would be binding, Constitution or no Constitution; and every majority vote on any matter affecting a provision of the Constitution would so legally and legitimately modify the Constitution itself that there could be no remedy against it short of an appeal to the secular courts, if indeed it could there be found. The only thing that can remove this fundamental defect in our system is, as Judge Cooley suggests, the establishment of a "tribunal or officer empowered to judge of violations of

the Constitution and to keep the Legislature within its limits."

In former chapters I have presented the highly conservative plan adopted by the Methodist Episcopal Church, South, pointing out at the same time its obvious advantages and drawbacks. The plan is an application of the Restrictive Rule process to every act of the General Conference whose constitutionality the bishops may care to challenge. One of the prime advantages we found to be that it actually removes the legislation of that Church from under the sway of the British Parliament principle, according to which all enactments are valid and constitutional whatever the constitutional provisions at the time of the proposal. The chief drawbacks were, first, that it safeguarded the rights and prerogatives of the episcopacy far more effectively than those of any other

class; and, secondly, that it associates with the General Conference in the court of final revision and decision thousands of men who neither are nor can be experts in judicial investigations and decisions of such difficulty and supreme importance.

Can a better plan be proposed? Personally, I feel poorly qualified to deal with problems of this sort; they lie outside the range of my ordinary studies and lines of experience. But, as it is rightly esteemed a poor service to pull down what you can not build up again in better form, I will venture to present the thought which has suggested itself to me, and which seems to me well deserving of attention. Roughly and tentatively, it may be expressed as follows:

Whenever the constitutionality of any legislative enactment or judicial decision of the General Conference is challenged

by the Board of Bishops, or by any equal number of members of the General Conference, and the reasons of this challenge are laid before the same General Conference in writing, said enactment or judicial decision shall be reconsidered by the General Conference sitting in supreme judicial capacity. If, then, the General Conference, by a two-thirds vote, shall confirm the enactment or official decision, it shall be held and declared to be constitutional and of legal effect:

Provided, nevertheless, that if the original challengers thereupon allege in writing, not further legal and technical objections, but purely the reasons why it is believed by them that the action challenged would prove *practically injurious to the Church at large*, and shall unanimously request that it be submitted to the godly judgment of the min-

istry and laity, it shall be so referred. Then, according as the challenged action is or is not ratified by a two-thirds vote of the members of the Annual Conferences, and by a two-thirds vote of the members of the Lay Electoral Colleges, it shall be declared by the General Superintendents valid or void.

This plan would deliver us from the control of the principle of British Constitutional Law as effectually as would the Church South's plan, or even the erection of a supreme court in a separate form. At the same time it would be a decided improvement on the Church South's plan in at least two particulars: First, it would provide a safeguard against the undue growth of episcopal influence, safeguarding the rights of the bishops only to the same extent and in the same manner as those of the eldership and laity; while, in the second

place, it would refer to the judgment of young and inexperienced, and, in many cases, Asiatic or European members of the Annual Conferences, ministerial and lay, only those questions of practical import respecting which the judgment of the average elder, or of an average member of a Lay Electoral Conference, would be at its best. Some of my critics will doubtless object to the inclusion of the Lay Electoral Conference in the final judicial action, and I am not clear myself whether it would not make the process needlessly cumbersome. At the same time, I should like to give the Lay Conferences more to do than they now have, and, on *referenda* of the *purely practical* sort here contemplated, lay judgment would be very desirable. In any case it would add to the conservative features of our organic law, and, on this account, I incline at pres-

ent to commend it to my fellow-conservatives and to my fellow-radicals.

Before proceeding to the topic to be taken up in the next chapter, renewed attention is asked to some of the important distinctions perpetually overlooked by many influential participants in our discussions on the Constitution of the General Conference: 1. The distinction between the real Constitution of a society and the documentary evidence thereof. 2. That between the Charter of the General Conference and other parts of its organic or Constitutional Law. 3. That between the constitutional process for amending the Restrictive Rules and the equally constitutional process for amending other parts of the organic law, whether in the Charter or not. 4. That between legislative action upon the organic law, and judicial action thereon. 5. That

between desirable and actual checks upon the one, or the other, or upon both. 6. That between references to the eldership, or to the eldership and laity, for the purpose of testing their sentiments, and references for the purpose of actually effecting an amendment of organic law. 7. That between safeguards in Constitution legislation and safeguards in Constitution interpretation. The list is not complete, but at least these should serve as "prolegomena to every future discussion" of the organic law of the General Conference.

CHAPTER SIXTH.

THE RECENT GENERAL CONFERENCE ACTION ON THE ELIGIBILITY OF WOMEN.

THE least understood and most misrepresented of all acts found in our constitutional history is that of the General Conference of 1892 on the eligibility of women to seats in the Electoral and General Conference. Before leaving the question of safeguards in constitutional interpretation one seems compelled to refer to it. In venturing to offer the brief comments that here follow, it is to me a source of some satisfaction that I can speak as a man not identified with extremists on either side of the question.

In my contributions to the discussion I have given each side credit not only

for good intentions, but also for maintaining essential truth. I have agreed with the party of progress in some things, and with the party of regression in others. True to the New Testament principle of the dual human unit, I have had to reject many arguments of the radicals, and have maintained, with the staunchest leaders of the opposition, that the relations of women to the government of the Church are not identical with those of men.* By reason of this central and independent standpoint, I hope I may be able to show myself less partisan in judgment and more temperate in expression than some who have written upon the subject.

First of all, it should be observed that some action on the part of the General Conference was imperatively called for. Even the most conservative

*See Appendix, II.

concede that at least the action of certain Electoral Conferences that had sent up women as reserve delegates called for a clear judicial deliverance on the part of the General Conference, settling the legality or illegality of such elections. The right, or lack of right, of Quarterly Conferences to elect both men and women as delegates to Electoral Conferences was another point which could not be settled without General Conference action, and all parties felt that it would be an inexcusable neglect to adjourn without settling it.

Among those who favored the eligibility of women there were many and grave differences of view. Some held that it was a question for the General Conference alone. These were divided into sub-classes, according as they favored the admission of women by legislative amendment of the "Plan of Lay

Delegation," or by a judicial interpretation of the term, "laymen" and "lay delegates" in said Plan. Both conscientiously held that a majority vote of the General Conference was all that was needed to settle, and to settle legally, the whole question. Many, however, even of the champions of the women, decidedly dissented from both the above views, and held that no solution could be satisfactory to the Church that did not proceed upon the assumption that the subject had all the significance and gravity of a fundamental law question, and that did not settle it in accordance with the method employed for introducing gravest constitutional changes through Restrictive Rule amendment. Among these, however, there were also sub-classes. Some thought it might be wisest to make no new appeal to the Annual Conferences for four or eight

years, feeling sure that by that time the progress of public opinion would make the success of the appeal certain. Others favored the immediate resubmission of the Neely amendment in unaltered form. Others said: The great debate of the approaching quadrennium must have reference to the new Constitution to be put in form by the next General Conference; if, now, it is the mind of the Church, as claimed by the conservatives, that all governing functions represented in the General Conference should be limited to the male membership, the only manly and straightforward thing to be done is to ascertain that fact in a way that all will admit to be constitutional, and then embody it in the new Constitution. The right question to submit to the Annual Conferences is, therefore, this: Shall the Second Restrictive Rule be amended so as to read,

"and said delegates shall be male members?"

It was in the presence of all this diversity of view that the Judiciary Committee, with but a single dissenting voice, presented its report. This related to such a phase of the general question and presented an answer so constructed that the majority of the Conference could not vote for or against its adoption without placing themselves in a false position. It was one of those parliamentary situations in which one or more substitutes or amendments were sure to appear, and, on all principles of honorable debate, ought to appear. Dr. Moore's was the first to gain a hearing. This, had it been adopted by a decisive majority vote, would have provided, in a perfectly legal way and without further action, for the eligibility of women to the next and to all subsequent Elec-

toral and General Conferences so long as this judicial decision upon the true meaning of the words "laity" and "lay delegates" should remain unreversed. But while it was thus in the power of the majority, without illegality, to solve the whole question by a single vote, it was quickly evident that they were not inclined to take advantage of it. Had they been carried away with partisan feeling they would not have shown such self-restraint and such generosity to the minority. Some had one reason and some another for hesitating to support the Moore proposition. The thing that affected the greatest number, and that really prevented its adoption, was, I am confident, pure considerateness for the weaker party. Victory was so near and easy that the majority wanted to show that they loved fairness and magnanimity more than victory. They wanted

to give their brethren one more chance, a reasonable final chance, to show that the mind of the Church was as they claimed. Just at this juncture it was that the novel proposition of Dr. Hamilton was presented. It seemed exactly to fill the need. It gave the minority four years for further effort; four years in which to show their faith in the truth, the Biblical character, and the ultimate prevalence of their views of woman; four years in which to appeal to the consciences of their Christian brethren and to rally the men of the Church to the saving of the Church. It also gave the minority the advantage of a new appeal to the laity, that here, too, they might have the advantage of the sober second thought of godly men and women. What wonder that, when the relentless "previous question" overtook us, and every man was suddenly compelled

to vote on one of the three propositions before us, it was soon seen that the Hamilton amendment was adopted by the significant majority of 241 to 160.

The most unfortunate thing about this action was that, at the time, neither friend nor foe clearly comprehended its significance in the history of our constitutional safeguards. It was based upon a principle familiar enough in the Church South, but wholly new with us. That principle would have commended itself in the highest degree to all conservatives could it only have been considered first of all in the abstract, and without reference to any exciting concrete question. It is a pity that it had not been incorporated into the draft proposed by the Constitutional Commission, and thus brought up apart from all partisan prepossessions. Suppose, for instance, that in Article X of the

new Constitution there had been a new and seventh Restrictive Rule, reading substantially as follows: "Whenever the General Conference shall judge it necessary or wise to review a judicial decision rendered by a preceding General Conference touching any provision of this Constitution, it shall not annul or set aside the said decision by a majority vote, but shall submit it to the Restrictive Rule amendment process, and it shall stand or fall according as it shall or shall not be sustained by the requisite concurrent votes." Suppose that then Bishop Merrill, in his masterful address, had given, in support of the suggested new Rule, such reasons as I have given in the foregoing chapters,—who can doubt that everybody would have said: "This added feature is potently conservative. It adds a mighty safeguard to our Constitutional Law. It is the

strongest new feature in the whole new draft. It delivers our Church from the domination of variable majorities in the field of constitutional interpretation." If, then, after such preliminary consideration of the new safeguard and of the need for it, Dr. Neely had, later, risen at the critical moment when Dr. Hamilton arose, and had presented, in a conciliatory spirit, the exact amendment proposed by Dr. Hamilton, and had requested its adoption in place of Dr. Moore's resolution, not a bishop would have lost his serenity of spirit, not an editor would have thought the Church imperiled, not a solitary delegate would have lost his head. Fair-minded men would have said: "It is a fair, a most brotherly way in which to settle a great and exciting issue. A majority of this General Conference believes the decision rendered by the narrow majority of the

General Conference of 1888 to have been wrong. It has perfectly legal and constitutional right to reverse that decision, and could do it at once by the adoption of Dr. Moore's resolutions. But, out of regard for those who are not yet prepared to see the known judgment and will of a majority both in the ministry and the laity carried out, and also for the sake of practically inaugurating and testing the so-much-needed new Seventh Restrictive Rule, let us of the majority generously wave our constitutional right and adopt this new and improved Neely amendment. So doing, we shall soothe excited feeling, deal magnanimously with our brethren in the minority, and last, but not least, establish a precedent of inestimable value by laying upon the hitherto unlimited and unregulated JUDICIAL powers of our General Conference a much-needed restraint."

In Dr. Neely, under the supposed circumstances, the part above suggested would manifestly have been an honorable and manly one; in Dr. Hamilton, under the actual circumstances, the part actually played was manifestly more honorable and manly. Instead of asking consideration for the scruples of fellow-members of a minority, it was proffering it unasked. Instead of seeking more time and more chances for his own party to rescue their imperiled cause, it was the spontaneous tendering of more time and more chances to a party whose cause had been already voted down by the laity and by the traveling eldership. The misfortune of the situation was, and is, that the measure was so honorable, and especially so unexpectedly magnanimous, that hot-headed party leaders could not believe it sincere. When, in 1888, Dr. Neely

proposed an amendment—"for which he did not intend to vote"—all took it as a graceful thing on his part to give the great minority a chance to vindicate their claim that they represented the real sentiments of the Church in opposition to his own position. So, when in 1892, Dr. Hamilton, in like manner, gave to his opponents exactly the same chance that they had given to him four years before, it should have been accounted in him an action no less graceful. A noble courtesy was never more inexcusably distorted from its essential character and true intent than when this act was styled a trick and its author a demagogue. A perversion so gross the General Conference and the Church will not easily forget.

As to the constitutionality and legally binding force of the action taken, it is

hard to see how either can be successfully contested. For,

1. The General Conference, sitting in its judicial capacity and acting according to the conscientious convictions of its members, had admittedly the full constitutional power and right to define the term, "laity," and to do it, if it saw fit, by reaffirming the definition of 1872 in the unambiguous form proposed by Dr. Moore.

2. *A fortiori*, then, it had full power and right to give this judicial declaration in a conditional form, particularly if the condition provided for so reasonable a thing as a test of the actual sentiment of the Church with a view to a conforming of the declaration thereto.

3. This legal power and right would have remained incontestable even if the General Conference had conditioned its

proposed declaration upon a favoring majority vote of the laity alone.

4. So, also, had the Conference conditioned it upon a favoring majority vote of the traveling eldership alone.

5. So, also, had the Conference conditioned it upon a favoring majority vote of the next General Conference alone.

6. So, also, had the Conference conditioned it upon a favoring majority vote of the adult women of the Church alone.

7. So, also, had the Conference conditioned it upon a favoring concurrent vote of six-tenths of all the laity, and of seven-tenths of all the traveling elders, and of eight-tenths of the ensuing General Conference.

8. It being thus within the discretion of the General Conference to promulgate the judicial declaration uncondi-

tionally or with reasonable conditions attached, and, in the latter case, to determine what the conditions should be, it would have effected the object in a manner entirely reasonable and within the legal competence of the body, even if it had said nothing about amending the Discipline, and merely declared that a vote should be taken in the Annual Conferences and in the next quadrennial session of its own body, and, in case it were found that three-fourths of the traveling elders and two-thirds of General Conference at its next session were in favor of the proposed definition, it should then stand with the full force of law.

9. But if the General Conference possessed the legal authority above asserted, it certainly did not transcend its powers if, when it had before it as the main question the adoption of the declaration

of its Judiciary Committee, in selecting among the possible and reasonable forms in which the question could be submitted to the voters, it chose for actual submission the one which, in case the declaration of the Judiciary Committee should be sustained, would not only appropriately embody it in the fundamental law of the Church, but also carry it into every future issue of the Discipline, and thus, in the simplest and most customary method, cause it to come to the knowledge of all concerned.

10. Finally, new rights having now been created by the initial act of the General Conference—the right of the laity to bring their vote to bear upon the question,* the right of the elders to manifest by a formal act their latest

* It must not be forgotten, furthermore, that this is the first time that the laity have ever been given the right to vote on a proposed change in one of the Restrictive Rules.

conscientious convictions, not to speak of the right of the women to have their doubtful status finally and authoritatively settled—the action initiated can not legally be arrested, or, before it has run its normal course, be set aside or annulled. Moreover, if, when it has run its course, it shall turn out that further new rights—rights of eligibility, for example—have been created, or imparted, or legally guaranteed by the process, the General Conference itself can not rightfully and legally undo its work. Here comes in the legal axiom already quoted: *Actus inceptus cujus perfectio pendet ex voluntate tertiæ personæ vel ex contingenti, revocari non potest.* My deliberate conclusion, therefore, is that, in case the amendment of the Second Restrictive Rule proposed by the General Conference in the Hamilton amendment should prove to be sustained by a

three-fourths vote of the members of the Annual Conferences, but should fail by ever so little of the requisite two-thirds of the General Conference, the new judicial declaration providing for the eligibility of women would take effect in a perfectly constitutional and legal manner.

The difficulty with this noted action is not where most of its critics have assumed or asserted. It is as constitutional and legal a measure as was ever passed by the General Conference. If it shall fail to effect a settlement of the question of woman's eligibility, it will be because of something outside itself—a matter of which we shall have to speak in another chapter. *It very possibly will thus fail, yet the action is destined to be appealed to for generations, not as an illustration of reckless radicalism, but as a till-then-unexampled instance*

of conservative law-making—a great historic precedent for the policy of laying formal checks and safeguards upon the hitherto unlimited judicial powers of a General Conference majority.

CHAPTER SEVENTH.

THE ACTION OF THE LAST GENERAL CONFERENCE ON EPISCOPAL DISTRICTS—A NEW SUGGESTION.

CONSIDERING the form in which the question of Episcopal Districts came before the body, the final action of the late General Conference was undoubtedly wise. Almost equally certain is it that the question will come before future General Conferences again and again, until, in the evolution of our itinerant General Superintendency, some marked modification is reached.

Personally, I have never advocated what is called the districting of our bishops. On the other hand, I have never been able to shut my eyes to the cogency of the arguments advanced by

the advocates of the measure. It seems certain that the present plan of our itinerant General Superintendency has marked advantages which the district plan would lack, and that the district plan would have other equally important advantages which at present we fail to secure. Strangely enough, all who have hitherto written upon the subject, so far as I have observed, have assumed that we must weigh against each other the respective advantages of the two systems, and decide for that whose good effects seem, on the whole, the more important. Would it not indicate a more statesmanlike mind to inquire whether there be not some adjustment whereby we can secure the advantages of both forms of service?

An adjustment of the kind suggested is, in my opinion, not only thinkable, but even already in the process of real-

ization. In perhaps half, perhaps more than half, the territory in which we exercise episcopal jurisdiction, we already have in duly co-ordinated relations both the supervision of the General Superintendents and the supervision of a Districted Bishop. All that is needed, therefore, in order to the solution of this long-agitated question, is to apply to the whole Church the plan of episcopal supervision now in force in our Conferences in India and Africa.

By the year 1900, judging by past and present indications, the growth of the Church will render necessary at least twenty bishops. Even now we have eighteen, sixteen of whom are General Superintendents, and two Local or Missionary Bishops. Now, if out of a force of twenty bishops, five of the ablest and most experienced were General Superintendents, and the re-

maining fifteen were respectively bishops of fifteen episcopal districts, covering the whole Church at home and abroad, who can doubt that the resulting episcopal supervision, as a whole, would be far superior to any possibly attainable with twenty General Superintendents working under the present systemless and outgrown plan?

If the beginning of the twentieth century is the time to inaugurate the new system, the General Conference of 1896 should take approriate preliminary action. It is surprising to note how slight would be the changes required in the chapter on Missionary Bishops, in the Discipline, to make it conform to the proposed new order. The following is the chapter, word for word, merely substituting Local Bishop for the term Missionary Bishop, then placing in brackets any words that would need to

be omitted, and inserting in italics any words that would need to be added:

CHAPTER VI.

¶ 176. A Local Bishop is a bishop elected for a specified [foreign mission] field with full episcopal powers, but with episcopal jurisdiction limited to the [foreign mission] field for which he was elected.

¶ 177. A Local Bishop is not, in the meaning of the Discipline, a General Superintendent.

¶ 178. A Local Bishop is not subordinate to the General Superintendents, but is co-ordinate with them in authority in the field to which he is appointed, and is amenable for his conduct to the General Conference, as is a General Superintendent.

¶ 179. The election of a Local Bishop carries with it the assignment to a specified [foreign mission] field, and such bishop can not be made a General Superintendent except by a distinct election to that office.

¶ 180. A Local Bishop *appointed to a foreign mission field* shall receive his support from the Missionary Society.

¶ 181. A Local Bishop *in a foreign mission field* shall be ex officio a member of the General Missionary Committee, and shall, in his

field, co-operate with the Missionary Society of the Church in the same way that a General Superintendent co-operates in the foreign mission field over which he has episcopal charge.

¶ 182. When a Local Bishop, by death or or other cause, ceases to perform episcopal duty for the [foreign] field to which he was assigned by the General Conference, the General Superintendents at once take supervision of said field.

¶ 183. In the matter of a transfer of a preacher from a field within the jurisdiction of a Local Bishop to a Conference under the episcopal supervision of a General Superintendent, or from a Conference under the episcopal supervision of a General Superintendent to a field within the jurisdiction of a Local Bishop, it shall require mutual agreement between the two bishops; and a similar agreement shall be required between the two *Local* Bishops having charge when the proposed transfer is between two [foreign] fields over which there are Local Bishops.

¶ 184. In case of a complaint against or a trial of a Local Bishop the preliminary steps shall be as in the case of a General Superintendent; but the Local Bishop *of a foreign mission field* may be tried before a Judicial Conference in the United States of America.

From the above it appears that by simply omitting the word "foreign" five times, the word "mission" three times, and by inserting them elsewhere with three or four connecting words, the entire law of the new "Districted" Bishops is ready for application. The measure has no need to be shaped; it only needs to be extended from a part of the Church to the whole of it. Even the term Local Bishop is so logically analogous to the Local Deacon, and Local Elder, that it sounds already familiar and Methodistic. Only for the sake of preventing the rise of eccentricities of local administration it would be well to introduce a provision requiring that all Local Bishops be interchanged at the close of every quadrennium, unless considerations of language, or endangered life, should justify an express and, if necessary, quadrennially renewed ex-

ception. Perhaps it would also be wise to make the first election of each Local Bishop a tentative one for four years only. Among the new provisions relating to the General Superintendents it might be wise to enact one placing in their hands in the interval between General Conferences the provisional decision in all cases of conflict between the Local Bishops or their representatives in the Presiding Elder's office. Other arrangements, however, would be equally possible.

The foregoing plan, providing for General Superintendents and for Local Superintendents, is by no means foreign to the genius of our polity. It simply applies on a larger scale the principles acted on at present in India and Africa, and, in fact, practically acted on from the days of the first Districted Elder under the first Itinerant Bishop. The world-wide

extension of the Church abundantly warrants the wider application. Consistency calls for it. The suggestion is, therefore, heartily commended to the prayerful consideration of all who are to have a hand in perfecting the proposed new Constitution for the adoption of the Church in 1896–1900. If, as of course would be advisable, the provisions of the plan should be carried into effect only in the case of bishops and General Superintendents *yet to be elected*, the new order would come in so gradually that not one jar or tremor need be felt in any quarter. Happy the Church which, in all non-essentials, teaches her narrow-visioned children to say—not "*either*," "*or*," but "BOTH," "AND!" To such only belongs the future.

Some months after the foregoing paragraphs of this chapter had been writ-

ten and laid aside for future use, the writer chanced to be at a dinner where he was seated next one of the bishops. Conversation naturally turned upon various questions of interest in the Church, and, among the rest, upon the future of the episcopacy. Of his own motion the bishop spoke of the growing difficulty of maintaining uniformity of administration. Twenty men, he said, can not so easily agree and carry out their agreements as five. He glanced forward to the time when the growing Church will require the services of fifty bishops; but with fifty he believed it would be absolutely impossible to maintain such a unity and uniformity of administration as has hitherto been maintained, and as seems imperatively demanded.

As to the districting of the bishops, he believed it would be fatal. He affirmed

that preachers would not consent to receive the less desirable appointments year after year from the same man. They would believe him partial to the more favored brethren and prejudiced against themselves. At present every disappointed pastor knows that, however hard his case may be, he will have, at the close of the year, a new chance under a new and wholly unprejudiced umpire. This it is that enables him to endure his disappointment and remain loyal to the system. The bishop did not believe that, without this safeguard or alleviation found in the changing presidency of our Annual Conferences, it would be possible to retain the appointing power in the hands of the bishops.

At the time and place of the utterance of these somewhat prevalent views, there was no favorable opportu-

nity to discuss them, particularly in their bearing on the need of just such a modification of our general and local superintendence as that above proposed. This, of course, was of small importance to the parties to that conversation; but the deep solicitude with which the bishop expressed himself, and the manifest solidity of the grounds of his solicitude as set forth, combined to induce me to append to the chapter as originally written a few further remarks.

First of all, I think it must be admitted by all observing minds that the apprehensions expressed by the bishop touching the future of our episcopal administration were by no means groundless. The speaker is one of the most hopeful and optimistic of men. His estimate of the gravity of the peril was not due to atrabiliousness of temperament. Many of the most thought-

ful men in the Church have felt the seriousness of the outlook. The maintenance of the unity and integrity of the Church is conditioned upon the maintenance of the unity and integrity of our episcopal superintendence. More than from all other sources, the barriers to organic union between the Church and the Methodist Episcopal Church, South, spring out of the historic disruption of the original unity of episcopal administration and out of that which has resulted from that disruption. Any peril, therefore, to the existing unity of our present episcopal administration should be guarded against with the utmost care.

To meet the impending perils characterized by the bishop, I see no remedy so likely to prove effectual, and so certain to prove in other respects desirable, as the readjustment of our general and

local superintendence according to the plan above suggested. For,

First, it would restore to the General Superintendency the advantages of its earlier time, depositing it in the hands of five men—not too few for safety, and not too many for harmony of action.

Secondly, these men would be the most experienced and the most trusted that the Church could find, and this after testing her candidates for years in the local episcopate.

Third, the General Superintendents, being of co-ordinate jurisdiction with the Local in all the districts, every beginner in the Local Episcopate would naturally feel it incumbent upon him, and indeed every way advantageous, to seek counsel of his older colleagues in the General Superintendency. In this way these latter would inevitably come to have a silent but most profound influ-

ence in shaping the character of the Local Bishops and in the maturing of their plans for district and inter-district administration.

Fourth, the fact that alongside of the jurisdiction of the Local Bishops there would exist a co-ordinate one of five General Superintendents which could at any time be invoked to settle conflicts of judgment or interests, and which would be at all times in readiness against emergencies such as might arise from the illness or death of a Local Bishop, would silently but inevitably affect the local administration, and would entirely relieve the pastors subject to it from the dangers of an ordinary diocesan episcopacy.

Fifth, these necessary workings of the new plan, taken in connection with the before suggested provision that the Local Bishops should be redistributed

every four years, would certainly afford to the less influential class of pastors, and indeed to every class, and to the local Churches as well, a security against arbitrariness or prejudice in the matter of appointments, far more effectual than any they now possess.

With thanks, then, to the bishop for unconsciously inducing me to make this fuller statement of the plan and of the advantages which would certainly attend its adoption, I respectfully and dutifully commend it to his attention and, if possible, to his powerful advocacy.

CHAPTER EIGHTH.

THE CONSTITUTION OF THE GENERAL CONFERENCE AS DEFINED BY THE CONSTITUTIONAL COMMISSION, AND AS MUTILATED BY THE GENERAL CONFERENCE.

THE first duty laid upon the Constitutional Commission of 1888 was "to define and determine the Constitution of the General Conference." The terms in which they did this are as follows:

"The present Constitution of the Delegated General Conference is the document drawn up and adopted by the General Conference of 1808, but modified since that time in accordance with the specifications and restrictions of the original document, and is now included

in paragraphs 55 to 64, inclusive, in the Discipline of the Methodist Episcopal Church for 1888, excepting the statement as to the definite number of delegates provided for in paragraph 55, which is an act solely within the power of the General Conference under the permission of the Second Restrictive Rule."

Taking the word Constitution in the sense of a written instrument or document, as the Commission properly did, this definition would have been a perfect one had it omitted all after the words, "Discipline of the Methodist Episcopal Church for 1888." The attempt to cut out of the Constitution two words in paragraph 55 * was a grave mistake. It was equivalent to saying that there was no definite constitutionally determined ratio of Annual Conference representation in the General

* Paragraph 59, in Discipline of 1892.

Conference. The mistake is the more surprising from the fact that, in the very effort to state their exception, the Commission mention a fact which, according to the next preceding paragraph of their own report, expressly proves that the excepted words belong in the document.

The preceding paragraph referred to reads as follows: "A Constitution is an instrument containing a recital of principles of organization and of declarations of power, permissions, and limitations which can not be taken from, added to, or changed in any particular without the consent of the power which originally created the instrument, or by the legal process determined by the body possessing original power."

Now, inasmuch as the original declaration as to the number of delegates provided for in paragraph 55 was changed

to one in forty-five "under the permission of the Second Restrictive Rule," which itself had been constitutionally changed for the express purpose of permitting it; and inasmuch, furthermore, as the change in the declaration was confessedly made by the only body in the world constitutionally authorized so to change it, the resulting "statement" was manifestly brought about by and in accordance with "the legal process determined by the body possessing original power," and hence, according to the Commission's own definition, was a part of the Constitution.

The attempted exception involved the Commission in a further inconsistency; for, when under the third head of their report, they present the total actual Constitution of the General Conference in articles and sections, they include the before excepted words with no mark of

exception, as if they acknowledged them to be a perfectly legitimate and unexceptionable portion of the Constitution.

For consistency's sake, and for truth's sake, the Commission should have ended their definition just where the exception began.

The worst result of their error was the greater one into which it led the General Conference. The suggested exception raised questions as to whether the enumeration of particulars challengeable on similar grounds was complete. The hurried extemporaneous discussion of these by men of widely different views and qualifications steadily increased the reigning confusion, until at last, at the close of a strenuous parliamentary skirmish, it was ascertained that, by a majority vote, the General Conference had adopted the

Commissioners' original definition, minus their carefully worded exception, but plus two new exceptions each more objectionable than the first. In the ensuing disgust, if not despair, a motion to postpone the whole matter indefinitely, simply printing the Commissioners' report and referring it to the next General Conference, promptly prevailed by a decisive vote.

Here follows the Constitution as arranged by the Commission, and as mutilated by the General Conference. Each asterisk represents an omitted word.*

* Here follow the words stricken out and the words substituted: In Art. I, stricken out: "ministerial and lay delegates." In Art. II, stricken out: "The ministerial delegates shall consist of." In Art. III, ¶ 1, stricken out: "The lay delegates shall consist of two laymen for each Annual Conference, except such Conferences as have but one ministerial delegate, which Conferences shall each be entitled to one lay delegate." In Art. III, ¶ 2, stricken out: "The lay delegates shall be chosen by an Electoral Conference of laymen, which shall assemble for the purpose on the

CONSTITUTION AND POWERS OF THE GENERAL CONFERENCE.

ARTICLE I.—MEMBERSHIP OF THE GENERAL CONFERENCE.

The General Conference shall be composed of * * * *.

ARTICLE II.—MINISTERIAL DELEGATES.

* * * * * * One delegate for every forty-five members of each Annual Conference, to be appointed either by seniority or choice, at the discretion of such Annual Conference, yet so that such representatives shall have traveled at least four full calendar years

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third day of the session of the Annual Conference, at the place of its meeting, at its session immediately preceding that of the General Conference." In Art. III, § 3, stricken out: "The Electoral Conference shall be composed of one layman from each circuit or station within the bounds of the Annual Conference, such layman to be chosen by the last Quarterly Conference preceding the time of the assembling of such Electoral Conference; and, on assembling, the Electoral Conference shall organize by electing a chairman and secretary of its own number: Provided, that no layman shall be chosen a delegate, either to the Electoral Conference or to the General Conference, who shall be under twenty-five

from the time that they were received on trial by an Annual Conference, and are in full connection at the time of holding the Conference.

ARTICLE III.—LAY DELEGATES.

§ 1. *.

§ 2. *.

§ 3. *

years of age, or who shall not have been a member of the Church in full connection for the five consecutive years preceding the election." In Art. IV, §2, stricken out in two places: "two-thirds of." In Art. V, stricken out: "The whole number of ministerial and lay delegates to form." For these the original words were substituted—"The representatives of all the Annual Conferences to make." In Art. VI, stricken out: "The ministerial and lay delegates shall deliberate and vote together as one body, but they shall vote separately whenever such separate vote shall be demanded by one-third of either order, and in such cases the concurrent vote of both orders shall be necessary to complete an action."

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ARTICLE IV.—SESSIONS.

§ 1. The General Conference shall meet on the first day of May, in the year of our Lord 1812, in the city of New York, and thenceforward on the first day of May once in four years perpetually, in such place or places as shall be fixed on by the General Conference from time to time.

§ 2. But the General Superintendents, or a majority of them, by and with the advice of * * * all the Annual Conferences, shall have power to call an extra session of the General Conference at any time, to be constituted in the usual way. But if there shall be no General Superintendent, then * * * all the Annual Conferences shall have power to call such extra session.

ARTICLE V.—QUORUM.

At all times when the General Conference is met it shall take two-thirds of * * * * * * * * * * a quorum for transacting business. (See foot-note on page 141.)

ARTICLE VI.—VOTING.

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ARTICLE VII.—PRESIDING OFFICERS.

One of the General Superintendents shall preside in the General Conference; but, in case no General Superintendent be present, the General Conference shall choose a President *pro tempore*.

ARTICLE VIII.—POWERS AND RESTRICTIONS.

The General Conference shall have full power to make rules and regulations for our Church, under the following limitations and restrictions, namely:

1. The General Conference shall not revoke, alter, nor change our Articles of Religion, nor establish any new standards or rules of doctrine contrary to our present existing and established standards of doctrine.

2. The General Conference shall not allow of more than one ministerial representative for every fourteen members of any Annual Conference; nor of a less number than one for every forty-five; nor of more than two lay delegates for an Annual Conference: Provided,

nevertheless, that when there shall be, in any Annual Conference, a fraction of two-thirds the number which shall be fixed for the ratio of representation, such Annual Conference shall be entitled to an additional delegate for such fraction; and provided, also, that no Conference shall be denied the privilege of one ministerial and one lay delegate.

3. The General Conference shall not change nor alter any part or rule of our government so as to do away episcopacy, nor destroy the plan of our itinerant General Superintendency, but may appoint a Missionary Bishop or Superintendent for any of our foreign missions, limiting his jurisdiction to the same respectively.

4. The General Conference shall not revoke nor change the General Rules of the United Societies.

5. The General Conference shall not do away the privileges of our ministers or preachers of trial by a Committee, and of an appeal; neither shall they do away the privileges of our members of trial before the Society or by a Committee, and of an appeal.

6. The General Conference shall not appropriate the produce of the Book Concern, nor of the Chartered Fund, to any purpose other than for the benefit of traveling su-

pernumerary, superannuated, and worn-out preachers, their wives, widows, and children.

ARTICLE X.—AMENDMENTS.

Provided, nevertheless, that, upon the concurrent recommendation of three-fourths of all the members of the several Annual Conferences who shall be present and vote on such recommendation, then a majority of two-thirds of the General Conference succeeding shall suffice to alter any of the above restrictions, excepting the first article; and, also, whenever such alteration or alterations shall have been first recommended by two-thirds of the General Conference, so soon as three-fourths of the members of all the Annual Conferences shall have concurred as aforesaid, such alteration or alterations shall take effect.

CHAPTER NINTH.

WHY THE GENERAL CONFERENCE SHOULD HAVE RESCINDED ITS DEFINITION.

MANY and cogent are the reasons why, before or after indefinitely postponing the constitutional discussion, the late General Conference should have reconsidered and formally rescinded its definition of the Constitution. Some of these may here find mention:

1. The time for studying the definition in its original and modified forms, and for considering the relations of each to the facts of our constitutional history, was certainly too short. Whoever remembers the unfamiliarity of the average delegate in this field, and the just preoccupations of his mind with other weighty matters, at the opening of a

General Conference, will be little inclined to say that the time given to this action by the General Conference was adequate to just demands.

2. The reasons which convinced the General Conference that the Church needed four years for the consideration of the remaining portions of the report of the Commission were no less weighty in their application to this first item. Indeed, there were great numbers of delegates who felt fully prepared to vote upon every provision of the new "Form of Constitution" proposed in the fourth and final part, who were entirely unsettled as to how they ought to vote on the definition proposed in Part First.

3. Many understood that the Conference was engaged in a kind of tentative or preliminary process of *seriatim* consideration, and that later they would

have a further opportunity to give a final vote on the recommendations or propositions of the Commission as a whole. Consequently, they voted with less of carefulness and deliberation than would otherwise have been the case.

4. After having amended and adopted a part of the report, it was manifestly an inconsistency to refer the whole of it to the next ensuing General Conference, unless it was intended to supersede the action already taken. This inconsistency, or appearance of it, would have been avoided had the body formally rescinded its ill-considered attempt at a definition of the Constitution.

5. By the adoption of its definition the General Conference incidentally and unwittingly changed the law respecting special sessions in such wise that, in case a special session should now become desirable, it would be necessary

to procure the favoring action of every one of our one hundred and fifteen or more Annual Conferences before it could be called. By rescinding its action it would have restored the law and made it what it has been for almost half a century, and what all agree it ought to be.

6. By the adoption of its definition the General Conference incidentally and unintentionally changed the law of the quorum from two-thirds of the delegates, lay and clerical, to two-thirds of the clerical delegates. Had it rescinded its hasty vote it would have undone its blunder and restored what was, and what all agree should be, the law.*

* A careful re-reading of Dr. Goucher's unfinished speech, as printed in the *Daily Christian Advocate* of May 13th, gives me the impression that he saw the scope of his amendment much more clearly than did the delegates in general. He explicitly speaks of a "rescinding" and subsequent possible "re-enacting" of the parts to which exception was taken.

7. By voting to cut out of the Constitution certain statements, and then voting to print in the new Discipline the old section on the General Conference unaltered, the General Conference made the Discipline of 1892–96 bear false witness as to our law of quorum, and as to the law touching the calling of special sessions. By rescinding its attempted definition it would have avoided this grave and misleading offense against simple veracity.

8. It may be questioned whether the mutilation of Articles I and II, taken in connection with the amended Second Restrictive Rule, did not render it impossible to organize in a perfectly regular and constitutional manner the next General Conference. For, as those articles now stand, the constitutional provision relating to those who "shall compose the General Conference" requires

that the membership shall consist of "representatives of the Annual Conferences," which term, according to the interpretation of the authors of the Charter, means ministers only. Accordingly, a General Conference including lay delegates would not be constitutional. On the other hand, according to the duly amended Second Restrictive Rule, a General Conference that excluded lay delegates would not be a legitimate and constitutional General Conference. Had the unfortunate definition been rescinded this awkward deadlock would have been avoided.

9. To a friend of lay rights and lay representation it is not pleasant to reflect that, in case the constitutional character of the next General Conference should be challenged on the ground just mentioned, many strict constructionists would be likely to hold that if

the mutilated Articles I and II are of full force as Constitutional Law, then the attempted amendment, by which the Second Restrictive Rule was brought into a form in conflict with the original and unrepealed provision of Articles I and II, was *ab initio* illicit and of no effect, and, consequently, that laymen were never constitutionally and legitimately admitted to the General Conference.

10. If, to avoid this fatal betrayal of the rights of the laity, a revising Bench on appeal were to hold that only the Restrictive Rules possess the full and indisputable force of Constitutional Law, and that, therefore, the original but now restored provision of Articles I and II, as being merely "legislative" or "statutory," must give way before the demand of the duly amended Second Restrictive Rule, this would indeed

rescue the imperiled right of the laymen to a representation, but only by overruling and setting aside the very definition of the Constitution out of whose hasty adoption this whole entanglement has proceeded. It is a thousand pities that the General Conference did not head off all remotest possibilities of such an overruling of its action by secular courts by itself rescinding the definition before adjournment.

Not a few of my readers are likely to be startled by the gravity of some of the above statements. Indeed, more than one will warmly challenge the fifth and sixth of the allegations and all that depends upon them. It will be claimed, with great earnestness, that the General Conference, in its definition of the Constitution, had no intention to change the then existing law for the

calling of special sessions, and no intention to change the quorum law; that, therefore, interpreting the action in the light of its intention, no change was in fact effected. I should be happy to be able to believe this. The truth, however, is that, in hasty action, governing bodies, like individuals, sometimes accomplish more than they intend. They see not the end from the beginning, and so build better, or worse, than they know. The records of legislation and the records of courts are full of instructive illustrations.

Let us look more narrowly at this case. The Goucher amendment, which was adopted by the General Conference, reads as follows:

"The section on the General Conference, in the Discipline of 1808, as adopted by the General Conference of 1808, has the nature and force of a

Constitution. That section, together with such modifications as have been adopted since that time in accordance with the provisions for amendment in that section, is the present Constitution, and is now included in paragraphs 55 to 64,' inclusive, in the Discipline of the Methodist Episcopal Church of 1888, excepting:

"1. The change of the provision for calling an extra session of the General Conference from a unanimous to a two-thirds vote of the Annual Conferences; and,

"2. That which is known as the plan of lay delegation as recommended by the General Conference of 1868, and passed by the General Conference of 1872." *

* For the sake of self-consistency the authors of this definition should have followed the Constitutional Commission and pronounced the word "forty-five" in the ratio of ministerial represen-

Now, it is to be noticed that this is not a legislative act, creating and giving force to what should thenceforward be the Constitution of the General Conference, but a judicial deliverance as to what, at the time, by virtue of an authority not original in the body, existed, and, from its first promulgation, had existed, as the true and only legitimate Constitution of the body. It starts with the Charter of 1808, and it undertakes to identify the portions of it as now printed, that are of full and rightful force as organic law. In so doing it proceeds upon the principle that every accomplished modification of the original document not made in full and literal accordance with the Restrictive

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tation unconstitutional. The only reasoning which can justify the retention of this ratio as a part of the Constitution would equally justify the retention of all that was inserted by the Conference of 1872.

Rule amendment process, is not, and never has been, a legitimate part of the Constitution. From this point of view there is no evading the inference that the original provisions touching special sessions and the quorum have never been altered. The changes in them, printed in the Discipline since 1856 and 1872, were never constitutionally effected, hence were never effected at all. Such is the only view consistent with the principle on which the exceptions are made.

Not the least of the mischiefs latent and unnoticed in the adopted definition was the tacit support given to the implication that those portions of the Charter of 1808 not included in the Restrictive Rules section were from the beginning and always, by provision of the fathers, amendable only by the Restrictive Rule amendment process—an

implication as manifestly false to the principles of legal interpretation as it is to the facts of our known constitutional history.

The number and gravity of the consequences which flow from that one precipitate act of the late General Conference oppress me. I feel that I am not free from a measure of responsibility for the error. Coming to the session a providentially belated delegate, distracted by the consequent pressure of accumulated business, deferring to the judgment of great masters of constitutional and parliamentary law, I followed in the way of the multitude, and, in the hope of thus reaching more speedily the consideration of the new Constitution, gave my vote for the Goucher amendment. My only consolation is that, in consequence of the mistake, I am the more entitled to a hearing, as I here

and now move a thorough reconsideration of the question.

The only way in which it seems to [illegible] possible to extricate the Church [illegible] the embarrassing effects of the [illegible]nsidered definition would be for the [illegible]shops, as presidents of the General Conference, to rule that inasmuch as the act in question related to a part of a large and important report, the whole of which was later referred to the next General Conference, the later action must be understood to supersede the earlier, and so to carry the question of the definition, with all others, over to the session of 1896. Could this be done the Church would experience a memorable deliverance.

CHAPTER TENTH.

DUTY OF THE NEXT GENERAL CONFERENCE WITH RESPECT TO ITS FUNDAMENTAL LAW.

WHAT should be the action of the next General Conference with respect to its fundamental law?

The answer to this question depends in part upon the voting in the Annual Conferences before the time of its assembling. A constitutional amendment providing for equality of ministerial and lay representation was passed by the last General Conference, sent down to the Annual Conferences for ratification, and is now pending. Should it appear at the time of the opening that this amendment has been duly adopted, then, in accordance with the act that initiated it, "the General Conference of 1896

may provide for their admission;" that is, for the admission of "lay representatives in equal numbers with the ministerial." The exact form in which, in the case supposed, the Conference will avail itself of this liberty and formally "provide for their admission," will naturally depend upon the previous action or non-action of the Lay Electoral Conferences. If these, in anticipation of the desired consummation, shall have sent up duly qualified and certificated delegates in numbers equal to the ministerial, a simple vote to seat them will be all-sufficient. If the Lay Conferences shall not have taken this anticipative action, it will devolve upon the General Conference to declare and record the constitutional change effected, and to give due notice to the Lay Electoral Conferences of 1899–1900. It is a now almost universal expectation that

one of the first acts of the General Conference of 1896 will be to complete its organization by admitting the increased representation of laymen. *Actus inceptus*, etc.

A second constitutional amendment is also now pending. It was recommended by the same Committee on Equal Ministerial and Lay Representation, and contemplates a serious reduction of the present clerical representation of the larger Conferences. This failed to receive the required two-thirds vote in the General Conference originating it, and hence, in case it should be favored by three-fourths of the members of the Annual Conferences, will require to be passed upon again in the General Conference of 1896. *Actus inceptus*, etc.

A third constitutional amendment is also now pending. Like the Neely amendment of 1888, it was adopted to

may provide for their admission;" that is, for the admission of "lay representatives in equal numbers with the ministerial." The exact form in which, in the case supposed, the Conference will avail itself of this liberty and formally "provide for their admission," will naturally depend upon the previous action or non-action of the Lay Electoral Conferences. If these, in anticipation of the desired consummation, shall have sent up duly qualified and certificated delegates in numbers equal to the ministerial, a simple vote to seat them will be all-sufficient. If the Lay Conferences shall not have taken this anticipative action, it will devolve upon the General Conference to declare and record the constitutional change effected, and to give due notice to the Lay Electoral Conferences of 1899–1900. It is a now almost universal expectation that

delegates to the General Conference to "male members." If they should not, it will then be possible for a part of the General Conference, with a certain plausibility, to claim that the amendment proposed has not reached the Conference, and that the *Actus inceptus* has run its course and left the main question where it was before.

Another party may, indeed, argue with equal, or in fact greater, plausibility, that while, under ordinary circumstances, the above view would be correct, the circumstances here alter the case, inasmuch as by the terms of the *Actus inceptus* an important legal issue depends upon the action of the General Conference, however the vote of the Annual Conferences may have turned out, and however its own vote may turn out. Such a division of view and sentiment would gravely endanger the

successful completion of any measure involving the same principle; but in this case, where friends and foes have misunderstood the act, and have gravely misunderstood and misrepresented each other, the conclusion is almost certain to be reached that it would be better to begin the settlement of the main question *de novo*, and by a process more familiar. My own anticipation is that, with the failure of the eldership to recommend the proposed amendment to the General Conference by a three-fourths vote, the General Conference will permit the entire procedure to come to an end. Should such be the case, the verdict of history will be that the Hamilton amendment failed, not because of any illegality in the measure itself, but because of the simple fact that the view of the Judiciary Committee was not supported by three-fourths of

the members of the Annual Conferences, and, on that account, the ensuing General Conference excused itself from voting on an already defeated amendment.

However, the next General Conference is some way off, and much thinking, writing, and speaking will certainly intervene. He would be a bold prophet who, at the present stage of the debate, and in advance of all the voting, lay and clerical, would undertake to say just what may prove to be the duty of the General Conference on this question under the new light of May 1, 1896.

At least one other matter related to our organic law will have to be dealt with by the approaching Conference; namely, the report of the Constitutional Commission of 1888. The whole of this very able document has been formally referred to the body for consideration and action in the session of 1896.

Of Part First I have already sufficiently spoken. Parts Second and Third are of such small practical importance when compared with Part Fourth that this last ought not to be endangered by a prior consideration of the various questions which the two preceding are certain to raise. It is, therefore, devoutly to be hoped that the formulated revision of the Constitution presented in Part Fourth may be the first item taken up for deliberation; and also that after such slight or grave amendments as may be found wise, the instrument may be adopted by a practically unanimous vote, and sent down to the Annual Conferences for their ratification. To facilitate its study in advance the full text is given in the Appendix below.

Observe the following facts and considerations:

1. The original Charter of 1808 never

was an adequate expression of the legal powers, processes, duties, and limitations of the General Conference. Viewed as a written Constitution, it was, both in form and substance, open to just criticism.

2. It made no express provision for any amendments outside the Restrictive Rules section.

3. Hence, as Bishop (then Doctor) Merrill remarked in 1868: "It is conceded on all hands that that portion of the Constitution which is outside of the Restrictive Rules does not come under the provision for change which we call the Restrictive Rule process."

4. Down to 1868 the prevalent, if not universal, view was, that the givers of the Charter of 1808 intended to empower the General Conference to make changes in the part not covered by the Restrictive Rule amendment pro-

vision, provided, in its godly judgment, any such changes should, in the progress of time, seem necessary. On this view the General Conference unhesitatingly and properly acted down to the session of 1868.*

5. During and since the discussions on lay representation and woman's eligibility, conservatives, for obvious reasons, have more and more insisted that the important provisions of the Charter outside the Restrictive Rules section ought not to be at the mercy of a party majority of the General Conference. Many persons, not opposed to the above-

* I say "properly," because in the absence of any written or unwritten law against it, and in the presence of a mutual understanding or agreement on the part of all concerned that amendments in the Ch.—R. R. Sec. should be effected in this way, the principle and the procedure were in the highest and truest sense constitutional; they absolutely conformed to the actual, nowhere questioned, unwritten organic law of the Church.

named measures, have, on general principles, joined in maintaining the need of a change in the practice of the General Conference in this particular, and in advocating a constitutional provision which should safeguard every portion of the Charter.

6. It is said that a few individuals have been so conservative as to assert that, in the absence of original provision for change in the first part of the Charter, no change is, or ever again will be, legally possible.

7. Others have said, what should seem reasonable even to a conservative, namely, that what the authors thought to be sufficient to safeguard the Restrictive Rules "ought to be sufficient" to protect the remainder of the instrument; and hence these have advocated a formal and express extension to the entire Charter of the provision for

changing the Restrictive Rules, and this by an amendment of the final proviso, enacting it by the same concurrent votes as are required for amending a Restrictive Rule.

8. In their Address of 1888 the bishops formally and earnestly recommended this measure; but the General Conference, probably because anticipating early action on a thoroughly revised Constitution, did not initiate the recommended change.

9. Unlike previous ones, the amendments in the unprotected portions of the Charter in 1872 were not extemporaneous acts of the General Conference on its own unchallenged authority, but a mere incorporation into the Constitution of provisions that had been elaborated and submitted to the Church by the preceding General Conference. Though the members of the Annual

Conferences had not voted on these exact provisions, they had voted to admit laymen on terms within the discretion of the General Conference, and doubtless nearly all the voters expected that these would be the terms. *Had the General Conference decided upon others*, there would have been far stronger ground for claiming that they had acted unconstitutionally. Still, the fact that the Constitutional Commission of 1888 held that these amendments were legitimately and validly made, while the General Conference of 1892 precipitately decided that they were not, shows in a most striking manner our existing need of a Constitution more explicit and unmistakable in its provisions for lay representation than we now possess.

10. The perilous confusions and excitements which have attended and followed the attempts of the last two

General Conferences to enact judicial interpretations into express constitutional ordinances ought to impress upon all thoughtful men the need of constitutional safeguards defining and controlling the judicial powers of the General Conference even more unambiguously than do the provisions of the new Constitution proposed by the Constitutional Commission.

Finally, by no reasonable delay can we hope to secure unanimity, or even a fair approach to unanimity, in any judicial definition of that which has been the exact organic law of the General Conference. Few know even the documentary facts, fewer still the legal principles applicable to the history and criticism of a Charter government like that under which we have been acting. No body of the size and character of the General Conference is fitted to deal with

such a question. Fortunately, if we can once validly adopt the new Constitution, the question will never need to be decided.

One thing, however, is plain. In the course of the process of legitimate and legal "Charter" amending we have begun and made some progress in the process of legitimate and legal "Constitution" making. Our organic law, as a consequence, is expressed partly in the terms of an outgrown Charter, partly in the terms of an inchoate Constitution. It is time to cast the whole in one homogeneous form, and to provide for all necessary future amendments under safeguards reasonable in their nature, and in their expression unmistakable. This can be done, and safely done, by a prompt adoption of the new Constitution.

If the General Conference of 1896

shall do its full duty, the Church historians of future centuries will pronounce its achievement hardly less significant than was that of the historic General Conference of 1808.

APPENDIX.

I.

THE FORM OF CONSTITUTION PROPOSED BY THE CONSTITUTIONAL COMMISSION FOR ADOPTION BY THE GENERAL CONFERENCE. TO BE ACTED ON BY THE GENERAL CONFERENCE OF 1896.

CONSTITUTION AND POWERS OF THE GENERAL CONFERENCE.

ARTICLE I.—THE GENERAL CONFERENCE.

The government of the Church shall be vested in a General Conference, which shall be composed of ministerial and lay delegates, to be chosen as hereinafter provided.

ARTICLE II.—MINISTERIAL DELEGATES.

SECTION 1. Each Annual Conference shall be entitled to at least one ministerial delegate. The General Conference shall not allow more than one ministerial dele-

gate for every forty-five members of an Annual Conference, nor less than one for every ninety members; but for a fraction of two-thirds or more of the number fixed by the General Conference as the ratio of representation, an Annual Conference shall be entitled to an additional delegate.

SEC. 2. The ministerial delegates shall be elected by ballot by the members of the Annual Conference at its session immediately preceding the General Conference. Such delegates shall be elders, at least twenty-five years old, and shall have been connected with an Annual Conference four successive years, and at the time of their election, and at the time of the session of the General Conference, shall be full members of the Annual Conference which elected them.

An Annual Conference may elect reserve delegates, not exceeding three in number, and not exceeding the number of its delegates.

SEC. 3. No minister shall be counted twice in the same year in the basis for the election of delegates to the General Conference, nor vote in such election when he is not so counted, nor vote in two Confer-

ences the same year on any constitutional question.

SEC. 4. The members of Mission Conferences shall have electoral membership in Annual Conferences to which they may be assigned by the bishops having charge of such Mission Conferences, and in said Annual Conferences they shall be counted in the basis of representation, shall have the right of voting for delegates and upon constitutional changes, and shall be eligible to election as delegates to the General Conference.

ARTICLE III.—LAY DELEGATES.

SECTION 1. A Lay Electoral Conference shall be constituted quadrennially within the bounds of each Annual Conference, for the purpose of electing lay delegates to the General Conference. It shall be composed of laymen, one from each pastoral charge within its bounds, chosen by the lay members of the Quarterly Conference at its session immediately preceding the session of the Lay Electoral Conference. Laymen not less than twenty-one years of age, and holding membership in the pastoral charges electing them, are eligible to

membership in the Lay Electoral Conference.

SEC. 2. The Lay Electoral Conference shall assemble at the seat of the Annual Conference, at 10 o'clock A. M., on the second day of the session immediately preceding the General Conference, unless the General Conference shall provide otherwise.

SEC. 3. The Lay Electoral Conference shall organize by electing a chairman and secretary, shall adopt its own rules of order, and shall determine the validity of the credentials of its delegates.

SEC. 4. Each Lay Electoral Conference shall be entitled to two delegates to the General Conference, except in case the Annual Conference is entitled to but one delegate; then the Lay Electoral Conference shall have but one. A Lay Electoral Conference may elect as many reserve delegates as it has delegates. The elections shall be by ballot.

SEC. 5. Any layman twenty-five years old, holding membership in a pastoral charge within the bounds of the Lay Electoral Conference, and having been a

member of the Church the five years preceding, shall be eligible to election to the General Conference.

Delegates elect who cease to be members of the Church within the bounds of the Lay Electoral Conference, shall not be entitled to seats in the General Conference.

ARTICLE IV.—CREDENTIALS.

The secretaries of the several Annual and Lay Electoral Conferences shall furnish certificates, severally, and send a certificate of such elections to the secretary of the preceding General Conference before the assembling of the General Conference.

ARTICLE V.—SESSIONS.

SECTION 1. The General Conference shall meet at 10 o'clock on the morning of the first Wednesday in the month of May, in every fourth year from the date of the first Delegated General Conference, namely, the year of our Lord 1812, and at such a place in the United States of America as shall have been determined by the preceding General Conference, or by a Commission acting under its authority.

SEC. 2. The General Conference shall create quadrennially a Commission which shall have power, in case of emergency, to change the place for the meeting of the General Conference, a majority of the General Superintendents concurring in such change.

SEC. 3. The General Superintendents, or a majority of them, by and with the advice of two-thirds of all the Annual Conferences, shall have the power to call an extra session of the General Conference at any time. In case of an emergency an extra session of the General Conference may be called by the concurrent action of two-thirds of the General Superintendents and two-thirds of the Commission on the place of meeting; such session to be held at such time and place as a majority of the General Superintendents, and also of the above Commission, shall designate.

SEC. 4. The General Conference, convened in extra session, shall be composed of the delegates to the General Conference immediately preceding, reserves being entitled to fill vacancies, and shall have power to consider only such questions as are mentioned in the call.

ARTICLE VI.—PRESIDING OFFICERS.

SECTION 1. The General Conference shall elect by ballot from among the traveling elders as many General Superintendents as it may deem necessary.

SEC. 2. The General Superintendents shall preside in the General Conference in such order as they shall determine; but if no General Superintendent be present, the General Conference shall elect a president *pro tempore* from among the ministerial delegates.

SEC. 3. The President of the General Conference shall decide questions of order, subject to an appeal to the General Conference, but questions of law shall be decided by the General Conference.

ARTICLE VII.—ORGANIZATION.

When the time for opening the General Conference arrives the President shall take the chair, and direct the Secretary of the preceding General Conference, or one of his assistants, to call the roll of the delegates-elect. Those who have been duly returned shall be recognized as members, their certificates of election being *prima facie* evidence of their right to membership. No person

whose right is duly challenged shall participate in the proceedings of the General Conference, except to speak on his own case, until the question of right is decided by the General Conference.

ARTICLE VIII.—QUORUM.

When the General Conference is in session it shall require the presence of two-thirds of the whole number of delegates to constitute a quorum for the transaction of business; but a less number may take a recess, or adjourn from day to day, in order to secure a quorum, and, at the final session, may approve the journal, order the record of the roll-call, and adjourn *sine die*.

ARTICLE IX.—VOTING.

The ministerial and lay delegates shall deliberate together as one body. They shall also vote together as one body, with the following exceptions: 1. On every question which proposes a change in the Discipline they shall vote separately. 2. A separate vote shall also be taken on any other question when requested by one-third of either order of delegates present and voting. In all cases of separate voting it

shall require the concurrence of the two orders to adopt the proposed measure.

ARTICLE X.—POWERS AND RESTRICTIONS.

The General Conference shall possess supreme legislative, executive, and judicial powers for the government of the Church, subject to the provisions of the Constitution, and under the following limitations and restrictions, namely:

1. The General Conference shall not revoke, alter, nor change our Articles of Religion, nor establish any new standards or rules of doctrine contrary to our present existing and established standards of doctrine.

2. The General Conference shall not organize, nor authorize the organization of, an Annual Conference with less than thirty ministers in full connection.

3. The General Conference shall not change nor alter any part or rule of our government so as to do away episcopacy, nor destroy the plan of our itinerant General Superintendency; but may elect a Missionary Bishop or Superintendent for any foreign mission, whose episcopal jurisdiction shall be limited to the mission for which he is chosen.

4. The General Conference shall not revoke nor change the General Rules of our Church.

5. The General Conference shall not deprive our ministers of the right of trial by the Annual Conference, or by a select number thereof, and of an appeal; nor shall it deprive any of our members of the right of trial by the Society, or a Committee thereof, and of an appeal.

6. The General Conference shall not appropriate the produce or profits of the Book Concerns, nor of the Chartered Fund, to any purpose other than for the benefit of the effective, supernumerary, or superannuated preachers, their wives, widows, and children.

ARTICLE XI.—AMENDMENTS.

The concurrent recommendation of three-fourths of all the members of the several Annual Conferences present and voting shall suffice to authorize the next ensuing General Conference, by a two-thirds vote, to alter or amend any of the provisions of this Constitution, excepting Section 1 of Article X; and, also, whenever such alteration or amendment shall have been first recom-

mended by the General Conference by a two-thirds vote, then so soon as three-fourths of all the members of the several Annual Conferences present and voting shall have concurred therein, such alteration or amendment shall take effect, the result of the vote to be announced by the General Superintendents.

Respectfully submitted in behalf of the Constitutional Commission.

S. M. MERRILL, *President.*
T. B. NEELY, *Secretary.*

MINORITY REPORT.

Dear Fathers and Brethren of the General Conference of the Methodist Episcopal Church, to meet in Omaha, Nebraska, May, 1892:

Nothing could give greater pleasure than to agree in all things with the excellent brethren composing the Constitutional Commission. Yet, as their labors must be scrutinized, discussed, and pass your rigid examination, this makes an apology for this Minority Report to some portion of their otherwise excellent action.

While cordially agreeing with their re-

port, except as herein set forth, we suggest the following amendments:

First, immediately following the part of the report designated "Part 3," strike out the words "Constitution and Powers of the General Conference," and insert the following:

GOVERNMENT OF THE CHURCH.

1. The government of the Church is vested in the General Conference, according to the following provisions:

2. All legislative power belongs to the General Conference, and can not be delegated.

3. The executive power belongs to the General Conference, the General Superintendents, and such Annual, District, or Quarterly Conferences, Boards of Managers, Book Committees, as said General Conference may from time to time constitute. The General Conference shall define the duties of such executive subordinates.

4. The judicial power is vested in the General Conference. This power may be delegated to such minor tribunals as from time to time may be constituted, reserving,

however, the right of appeal to the General Conference.

Second. After Article XII, strike out so much of the report beginning with the words "The powers of the General Conference are legislative, judicial, and executive," and closing with the sentence, "subject to the provisions of this Constitution," not, however, striking out "the following limitations and restrictions, namely."

Third. In ¶1 and ¶5, "Article III, Lay Delegates," strike out the words "laymen" and "layman," and insert the words "members" and "member" in each place.

Fourth. In view of the un-Methodistic scramble for office among so many preachers, there should be a constitutional provision prohibiting all elections by the General Conference except those of General Superintendents, and requiring all other elections, such as Editors, Book Agents, Secretaries, etc., to be remanded to the several Boards of Managers, Committees, etc., that may be ordained.

Brief reasons for the above may be given:

As to the first and second items, we are living in a nation where the people are

familiar with the usual forms of civil government. A Church that must of necessity have to deal with the same people should make its forms of government as far as possible conform to the civil.

As to the third item, the Methodist Church should never be reduced to Conference or other construction when it has to deal with the rights of its members. We should be consistent with ourselves, and though in the Discipline we say how "he," "his," or "him" may come in or go out, yet why not use the term "members," especially when the history of the Church shows we can not exist without the women?

The fourth suggestion is painfully manifest to every member of the General Conference—if not at the beginning of your session, will not need argument before you adjourn. Elections out of the way, the sessions need not continue two weeks, certainly not three.

May our good Father guide, direct, and bless your session to his glory and the welfare of our loved Methodism!

Fraternally yours, JOHN W. RAY.

II.

THE DUAL HUMAN UNIT: THE RELATIONS OF MEN AND WOMEN ACCORDING TO THE SOCIOLOGICAL TEACHINGS OF HOLY SCRIPTURE.

My first proposition I take directly from Holy Scripture; for I desire to consider this theme primarily in the light of God's Word. It is that deep, wonderful, and wonderfully neglected declaration of St. Paul: "Neither is the woman without the man, nor the man without the woman, in the Lord. For as the woman is of the man, so is the man also by the woman; but all things are of God."

What does this mean? I understand it to mean:

1. That all souls are "of God," and all Christian souls "in the Lord" Christ.

2. That, in God's sight, no woman ever existed out of vital relation to man and to God.

3. That, in God's sight, no man ever existed out of vital relation to woman and to God.

4. That whether considered in relation to creation—that is, as being "of God"—or in relation to redemption—that is, as being "in the Lord"—the relation of man to woman is not identical with that of woman to man, and *vice versa*.

5. That nothing short of one man and one woman, both considered as "of God," and as "in the Lord," can constitute, in the full Christian sense, the human unit; that is, the unit in whose one common unfolding experience is found the total of the experiences of the fullest and most normal human life.

6. That the total experience of a man in isolation from woman, or of a woman in isolation from man, is fractional, not even hemispherical, since the two, if added together at their close, do not give as a result the perfect globe—the all-inclusive total of the experiences of the fullest and most normal human life.

7. That the real globe, the perfect and all-inclusive normal human experience, is unattainable, even "in the Lord," unless the two halves of the human unit live their one life in the vital oneness of an entire and reciprocal communion with

each other and with that Lord in whom they live and move and have their common being.

Such being the Pauline doctrine respecting the man and the woman in the Christian sphere of thought and life, all that is written respecting men and women in the Christian Church, from the standpoint which regards the individual as the true unit, is totally irrelevant, unintelligent, and confusing. Less than this can not be said of all those pleas for the admission of women to the General Conference, or to public positions in the State, when they ignore the con-created differences between men and women, and argue as if all members of the Church or State constituted a merely numerical aggregation of sexless human beings with perfectly identical or interchangeable personal relations. But equally irrelevant and unintelligent and confusing are all pleas against their admission when they proceed upon the assumption that exclusively male representatives of the Church or Christian State can adequately apprehend and administer the total interests of all those duplex human units which, as truly as they, are "of God," and also "in the Lord."

Let us now look at another declaration of Holy Scripture. It is the familiar one: "Adam was first formed, then Eve. And Adam was not beguiled, but the woman being beguiled hath fallen into transgression." This has so often been used by brutal men as a club wherewith to beat godly women down into a totally unjust subjection to their husbands and spiritual rulers, that we all instinctively hate to hear it quoted, and never think of looking into it in search of pregnant and soul-clarifying instruction. But let us think a little about it, taking with us this Scripture idea of the dual human unit.

If Adam was first formed, and through divine instruction, however communicated, was inducted into intelligent personal communion with God, and into some comprehension of God's works and requirements and purposes, how evident that Eve, as the later comer, found a situation totally different from that found by Adam at his first advent. In Adam God had an organ and mediator of his revelation for Eve, and Adam, having a knowledge and experience which she had not, was, from the nature of

the case, her natural initiator into that knowledge and experience.

Moreover, as sin reverses all right relations, the disobedience of Eve exactly reversed the relations of the pair in ethical respects. Eve, being "first" in the transgression, had a knowledge and experience which Adam had not, and, by virtue of this, and from the very nature of the case, she became to him the organ and mediator of the knowledge of sin—his initiator into that knowledge. This peculiarity of their successively differing relations to each other requires for its explanation no supposition of inferiority or superiority in the one or the other; simply the *temporal order* of their respective appearances upon the stage, and of their experiences is sufficient to explain it perfectly. Had God been pleased to give life "first" to the noble mother of all living, the initial relationship of the two in respect to all Godward movement would have been exactly the reverse of what it was; and had Adam been the "first" in transgression, it would inevitably have fallen to him to be the interpreter and mediator of evil to Eve. My conclusion, there-

fore is, that in both clauses of the apostle's declaration we are to put our mental emphasis upon the word "first," and remember that if Adam had a primacy in the mediating of one ethical experience, Eve had later an equal primacy in the mediating of an experience that was the exact counterpart of the other. Judging by their respective successes in their respective mediatorships, it would seem as if we must conclude that, at least in persuasiveness, Eve was more than a match for the first of men.

By these thoughts the apostle, and the Spirit speaking through the apostle, would help us to see that the two constituents of the dual human unit may, in the Divine mind and purpose, be set in a certain natural or ordinal relationship, such that a fixed order of hegemony or leadership shall always seem a natural one, while its reverse shall always seem an unnatural one, and this without the least necessity of our assuming in the two any differences inconsistent with their absolute personal equality. Such a setting in a natural order is seen, as I think, in those relationships of equal men and women which in all languages are designated by the terms

husband and wife, not wife and husband; father and mother, not mother and father; all of which, however, has no greater significance as an expression of the Divine sovereignty than had the corresponding Divine volition that of the two constituents of the first human unit the man should first see and know the God from whom and in whom both were to have their being.

This whole range or order of Scripture ideas is so unfamiliar to the public mind—and even to our average pulpit teachers, who, as "masters in Israel," ought to know these things—that I experience considerable misgiving as to my ability to lodge them effectively in the minds of my readers. To those, however, who at first find them difficult or unattractive, but who are seriously desirous of mastering the significance of the profound agitations of our time in Church and State relative to the ideal or just relations of the sexes, I confidently commend them as certainly true and in the deepest sense scientific. The best professional sociologists of our age are coming solidly to agree upon them. In no social aspect or relation whatsoever can woman

be comprehended apart from man, even by intelligences as subtle and penetrating as Stuart Mill and Bushnell. Woman, "as God made her," *is* not, has absolutely no existence, without the man; and without the woman, man *is* not, has absolutely no existence.

But what, now, is the practical significance of these scientific and Scriptural ideas? The true implication and moral of the whole is this, that, in their divinely settled order, both constituents of the human unit may go—yea, ought to go—wherever the human unit belongs; may participate—yea, ought to participate—in all that is an expression of the normal life of humanity. Mark the sole qualification: it must be "in the divinely settled order." In no department of human life is it good for man to be alone; in none is it good for woman. In no range of normal human interests can we get the best results until we get in it the due co-operation of men and women.

The divine *order*, however—or, what is the same thing, the natural order—is all-important. No law is bedded more deeply in the nature of things than is the law of

right operation and co-operation on the part of men and women. I hardly know how to express it, and have never yet seen it expressed, but I can at least illustrate it.

Here, we will suppose, is a long-established men's college of the old-fashioned sort—male, male in every idea and tradition. In the progress of the Christian world public sentiment so affects its governors and teachers and students that all feel that their institution is an anachronism, a survival of a former and an inferior social state. With perfect cordiality they open their doors to women, and invite them in to share with them all the collegiate privileges and emoluments. If, then, the invited accept in the same cordial and friendly spirit, their coming is an inestimable blessing, not merely to the women, but quite as much to the men. A totally different academic life begins—a life every way broader and richer, more inspiring, more fruitful in all the graces of character.

Here, however, in the same commonwealth, is another college, equally old, equally well equipped, equally complete. But it is a college officered by women only,

and conducted for women only. Let us suppose that these inmates, too, have outlived the ideas of those who founded the college. They, too, feel their isolation and the poverty of their life. They need the society of the missing sex; they want some men. With equal generosity they open their doors and invite young men to enter and share in their instruction, in their honors, in their pecuniary help. Who can fail to see the difference in the two cases? No manly young man could seek his education in the second college, but the most womanly young woman can, with perfect propriety, seek hers in the first.

The deep-down law of human nature, here illustrated in the sphere of education, is just as applicable in every other sphere or interest of human society. I know not how better to state it than by saying: *In the sphere of equals the initiation of all co-operations of the dual human unit must be with the man, or with men; the consummation with the woman, or with women.*

The Christian idea of the founding of the home is a perfect illustration of the law in a most sacred sphere. The woman that in such a matter can seize the initia-

tive is a creature so unnatural that no Christian home could ever be the result. In like manner, the man who could say the consummating word demanded by such a feminine initiative would be a creature so unnatural that, on his side equally, the origination of a Christian home would be entirely impossible.

But some one will say: Does not your law, which, in the sphere of equals, always and everywhere gives to man the initiative, unduly honor the man and subordinate the woman? By no manner of means. If there is any difference it is in favor of the woman. It puts her exactly in the place in which the proverb places God. The proverb says: "Man proposes, but God disposes." That is it, exactly. Every time, in the individual sphere, in the social sphere, everywhere, that equal men and women co-operate, the decision, the consummation of things falls to her. Hers is the lap into which the lot falls, and, humanly speaking, the "whole disposing thereof" is of her and by her.

But this is not all. Do not fail to notice that so far we have spoken only of *equals* in any one of the possible co-operations of

men and women in the total social movement. This is but one of two equally important points of view. This contemplates society transversely, so to speak—one generation at a time. The other point of view contemplates society and the total social movement longitudinally; and, taking this, we get the precise reverse of our law. Now we get the woman proposing and the man disposing.

What do I mean? The answer is perfectly simple. Take any line of men genealogically descended from the first human mother. Let it be the line which produced Stuart Mill. Now, the moment we fix that line in our mind's eye, we immediately behold, just behind and above them, an exactly even number of women honored with the name of *Mothers*. These men and these women have in their lives stood in a totally different relationship from equals, and between them, as related, our law does not apply. The exact opposite of the law applies. And it is particularly important to notice that their historic co-operations were not in merely outward and transitory things, but in the most inward, vital, and abiding—*the determining of the character of*

the men. Take those men at twenty-one. What are they but men to whom reverenced superior women have been making, with thousand-fold iteration and reiteration, proposals of ideals, and life-plans, and principles of conduct? And what has the total of their remaining life been but a consenting or dissenting "disposal" of that which woman has first proposed? And inasmuch as every man that lives, or ever has lived, has stood in this relation to a woman who by her initiative, usually decades of years in duration, has made him what he is, I see no impropriety or injustice if, after woman has completed her proposals as to what she would have him be, and has set him as a matured man in the society of his equals, he is permitted for a season, and among his equals, to exercise the right or privilege of taking the initiative in proposals of co-operation with woman in the mere work of the world.

Here is mystery, perhaps. But if any woman understand it not, let her ask her husband, or even her brother, at home; for it is a shame for such a woman to be speaking in Church.

Here is mystery. But if any man under-

stand it not, let him hold his peace; for it is a shame for such a man to be writing in the newspapers.

Whoever has read thus far has learned that I desire to see women associated with men in every sphere and interest in human life—in homes and factories, shops and schools, banks and courts, armies and navies, States and Churches; and, to many a reader, the most striking thing about it is, that I advocate this association on grounds almost identical with those on which Dr. Bushnell and others of his type have opposed it. The reason for this antithetic outcome is found in our respective fundamental principles. Theirs consider men and women as complemental classes of individual units in a social organism; mine consider them as complemental constituents of dual human units, and, through these, constituents of the higher social organism. It would be extremely interesting to dwell upon this difference, and to illustrate at some length the implications and results of the two types of social philosophy. At present, however, space can be taken only to consider the bearings of the New Testament doctrine on a few of the

burning questions of the day. And, first, upon the question of woman's relation to the Christian ministry.

What is the truth on this head? Is it not deducible, and easily deducible, from the New Testament principles set forth in the preceding pages? I think it is. And, accordingly, I think that in the holy ministry, as in everything else, men and women should share.

Here, as everywhere else, the disputants on both sides have been too narrow. Neither party has seen the whole truth. The Scripture doctrine of the dual human unit goes far toward making this whole question clear as sunlight. The ideal Christian minister is not a man or a woman, but a man *and* a woman. Hence Paul, describing by inspiration the necessary qualifications of the primitive presbyter-bishop, invariably places in the forefront that he should be the "husband of one wife." (1 Tim. iii, 2; Tit. i, 6.) If any of my readers for a moment fails to see the Divine reason for this arrangement—which seems to have been equally beautiful in the days of Zacharias and his Aaronic wife, Elizabeth—he will see it the moment I remind him that

in every charge in Methodism there are, or should be, two Churches to be provided with the ministrations of the Word, and with ministers called of God to minister. The one is the Church within the parsonage, and the other is the Church outside. Each needs at its head a man and a woman called of God to be ministers of Christ. In the parsonage Church, built upon the New Testament model of the "Church in the house," the chief burden, both of the teaching of the Word and also of the pastoral care, falls upon the woman, but the man can by no means be excused. In the parish Church, on the other hand, the chief burden of the teaching of the Word, and also of the pastoral care, falls upon the man, but the woman can by no means be excused. In many a mission-field one will find the Church inside the parsonage far more truly an ideal Christian Church than the one outside. Sometimes, indeed, through long years of patient sowing, it is the only Church belonging to the charge. In it are preached all the sermons; in it alone are maintained all the stated ordinances. In such cases how beautiful is that undivided ministry main-

tained by the household's undivided head! With us in the central seats of Christianity the case is somewhat different; yet even here, who has not seen Aaronic pairs so perfectly wedded in soul and in work that they seemed but units? Each of the constituents of each such pair felt at the beginning a heavenly call to share with the other the toils and the joys of the Christian ministry. And as they have gone from flock to flock, as providence has appointed, nurturing the Church within the parsonage and the Church without, it has been in such unity of purpose, such identity of sympathy, such forgetfulness of their own individuality, such mutuality of work, that it has been almost impossible to think of either member of the partnership as a complete and independent human being. Thank God for such embodiments of the ministerial ideal! Whether ordained of man or not, they both are alike ordained of God to give his Church an object-lesson in the vital and dual nature of the Christian ministry. In such instances it is hardly more possible to think of the woman than of the man as belonging to the laity.

But is there no other way in which a woman may enter the holy ministry? If even the sparrow hath found a house, and the swallow a nest at God's altars, may not that Christian virgin, or that Christian widow, whose soul longeth, yea even fainteth, for the courts of the Lord?

I dare not say No, and our Church dares not say No. No one can read ¶ 201 of our Book of Discipline and not admit that our deaconesses are as truly an order or class of Christian ministers as are our missionaries, *and more truly than our local preachers.* And any woman possessed in full of the natural and spiritual gifts, and of the special training required of a deaconess, is so superior *to those to whom she is set to minister*, that, even if there be men among them, the law assigning among equal men and women the leadership to men, does not apply; hence, with perfect Scriptural and rational propriety she can go forward with her ministry.*

* In this connection, several propositions which flow from the foregoing principles and teachings deserve at least a passing mention; such as: (1) It may be expected that God will sometimes call unmarried men and unmarried women to de-

A similar result is sometimes reached in another way—if, indeed, it be another. I refer to the case where a holy woman, by virtue of her singleness of eye and eminence of piety and perfection of judgment in some specialty, acquires, all unconsciously, such an ascendency over her associates that even the most eminent of men

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vote their lives, though celibate, to the service of his Church. (2) It is not to be expected that persons of either of these classes will often be called to the Christian pastorate, for the reason that, in order to the best accomplishment of the work of the pastorate, the dual human unit—the man *and* woman—is indispensable. (3) As between the celibate man and the celibate woman, it is to be expected that the Divine call to preach will oftener come to the former than to the latter, for the reason that, in consequence of the social law which, among equals, assigns the initiative to men, the celibate man-preacher will be available in a greater variety of fields and positions than will the celibate woman-preacher. (4) Any Church that, by formal enactment, assumes to declare that no woman, under any circumstances, shall be licensed to preach, assumes to forestall the sovereign action of God's Spirit, and to shut him out from a line of procedure which his Word seems to pre-announce as a characteristic of the last days. (Joel ii, 28; Acts ii, 17.)

in the ministry sit gladly and profitably at her feet. Such a woman exercised an almost lifelong ministry in New York but a few years ago. In her congregation, in her well-known parlors, were often to be found, not only eloquent brethren in the ministry, but even learned divines and bishops in the Church of God. Here, also, *the law of equals* no longer held.

This form of a woman's ministry sometimes appears in unanticipated places. I have space for but a single example. A few years ago there was a clergy-house in the heart of Boston. In it resided a hundred ministers, some elders, some deacons, some local preachers, all of them men. The only person in authority in the building was a woman of immense brain and heart, and of a presence that worthily enshrined them. She had also great power with God, and consequently, although the most unassuming and modest of women, she had great power with men. It was a power that seemed to go out from her without the slightest consciousness on her part. Of course, there were other more strictly and formally ecclesiastical authorities to whom these men were accountable; but as none o

these lived within miles of the clergy-house in question, this godly woman was, to all intents and purposes, their resident bishop. Week by week applications from the adjoining cities and towns and waste-places would come in for preachers, and week by week, with no advice or direction from men, she, in practical effect, stationed her not otherwise appointed preachers, according to demand, through all Eastern Massachusetts and parts of adjacent States. Week by week, year after year, these men looked to her for their appointments with the most absolute confidence that the allotment would be discriminating and in perfect accord with the will of God. All this time the name of this local bishop or presiding elder stood in the Minutes of no Conference, and she coveted not to see it even among those of the officers of that school of theology. All the same, she *was* the revered episcopal head and the chief confidential spiritual adviser in a diocese manned by one hundred ministers. If this bride of Christ was not in the ministry, I have never seen a human being who was. God bless her! The fragrance and power and beauty of her life are with us forever.

Not widely different from cases of this sort is another which can not be passed unnoticed. It has many illustrations on a small scale, some on a scale of national and even cosmopolitan significance. It occurs when social aggregates more or less extensive have fallen into a state of moral decadence, and, as a consequence, have gone into captivity to some sort of evil force or forces which mean death unless a speedy and mighty deliverance can be wrought as by a miracle. In such a social or national emergency the keen sensitiveness of woman, both to the evil suffered and to the moral enormities that have entailed it, qualify her in an eminent degree to become the minister-extraordinary through whom God can send deliverance. And when a nation has reached the point where nothing short of the cry of a woman's heart-break can rouse it, and nothing short of a woman's almost maniac clutch on God can steady it, then from out her closet of spiritual agony comes forth the Deborah, the Joan of Arc, the divinely commissioned woman that is to uprouse and rebuke, to arraign and judge, to instruct and reform her degenerate people. The consciousness of her heavenly

calling, added to that greatness of soul and fierceness of conscience that fitted her for so vast a work, lifts her far above all ordinary and commonplace motives, and makes her utterances like words hot from the lips of God. How she towers above the besotted nobilities and aristocracies and hierarchies of her land—judging judges, commanding commanders, counseling counselors, ushering in a new and diviner day! That such a woman is not licensed of man is small marvel. For any microscopical Sanhedrin, or Synod, or Quarterly Conference to attempt to license such a prophetess of the new dispensation would be as great an impertinence as for the aldermen of Cambridge gravely to license Longfellow to sing the songs that are in him. The credentials of her office were formulated in heaven's chancery, and they bear the sign-manual of the Almighty.

Such, O gracious Sisterhood, are some of the forms and fields of the Christian ministry to which Christ and the Church invite you. Have you always, all of you, appreciated all of them aright? Have you coveted, *for Christ's sake*, to be a high priestess at the holy altar of one of his every-day

churches, that there you might offer a daily and hourly service, redemptive to men and well pleasing to God? Have you, in genuine sympathy with Christ, had agony of spirit to the end that you might bring your many sons unto glory? Have all of those among you, whom God has permitted to dwell in his courts, been fully and conspicuously worthy? Has it never been partly the fault of some of these parsonage sisters that the New Testament idea, the Aquila and Priscilla idea of the Christian pastorate, as the office of a dual unit, has so seldom been realized? Have all our Christian virgins, and all our Christian widows, so far as permitted, longed and fainted for the courts of their God? Are they now, so far as their obstructive brothers permit, crowding into that already authorized diaconate ministry, whose duties are "to minister to the poor, visit the sick, pray with the dying, care for the orphan, seek the wandering, comfort the sorrowing, save the sinning, and, relinquishing wholly all other pursuits, to devote themselves in a general way to such forms of Christian labor as may be suited to their abilities?"

Bless me! you have come so near it by

God's grace, that my heart chides me for raising such questions. Still, a woman hath told me that there be some among you who may profitably ponder the queries.

At this point it may be useful to inquire whether the Scriptural and scientific doctrine of the dual human unit, and of the fundamental law of all social co-operations of men and women, as set forth in the opening paragraphs of this paper, does not furnish a standing-ground on which all sensible persons that have advocated or that have opposed the eligibility of women to the General Conference can meet and stand together. My own belief is that it does.

In attempting to show the grounds of my belief, I will, first of all, state the fundamental principles of the opponents of woman's eligibility. These are as follows:

1. The Church is bound to resist every demand, which either teaches or implies that woman's relation to man is identical with man's relation to woman.

2. The Church is bound to hold and teach that, in ecclesiastical as in other social co-operations of equal men and women, the initiative belongs to man.

3. Accordingly, the Church is bound to deny to women a place in the General Conference until the men of the Church are willing, in some appropriate way, to invite them to enter.

All of these principles I hold to be important and entirely just. Directly or indirectly, I have often defended each.

Now let us look at the fundamental principles of the advocate of woman's eligibility. They are as follows:

1. Before the law of the Church, all full members, as such, should be equal.

2. In order to the highest and best growth of the Church, there is needed in every department of its life the just co-operation of men and women.

3. Accordingly, to refuse to Christian women a joint participation with men in any department of the life of the Church is at once a detriment to the total body and a wrong to them.

All of these principles I hold to be important and entirely just. Directly or indirectly, I have often defended each.

Where am I, then? Do I or do I not favor the eligibility of women to the General Conference? That depends. As I

have elsewhere said, I do not favor it if it must be on any such grounds as those brought forward by many of its foremost advocates. It would be an inexpressible calamity to have the women come in on Jacobin principles. On the other hand, it would be an inestimable blessing to have them come in on Scriptural principles.

Consider right here again the helpful Scripture doctrine—scientific as well—of the dual human unit. Like the ideal Christian minister, the ideal Church legislator is not a man, nor yet a woman; but a man *and* a woman. And like as there are in the pastorate pairs so perfectly one in aim and sympathy and action that, as Paul says, the woman is never without the man, nor the man without the woman, in the Lord; so would it be well if in every department of our Church government, and in every department of our State government, the law-maker, the judge, the executor of law, were never an isolated mateless man, never an isolated mateless woman, but always a human unit, including in one personal manifestation the combined wisdom and sympathy and experience and will of a mutually com-

plementary man and woman. Could this ideal be actualized, it would little matter which of the two voices uttered the one thought, or which of the four hands registered the one will. In a society made up exclusively of such human units, the very problems of government would themselves become quite other than the ones we and our predecessors have known.

It happens, however, that dual human units of the kind we seek are far from common. Even in this sacred inclosure of the Christian Church we seldom find a man or a woman who can be trusted to represent the complementary personality as perfectly as his or her own. Still more rare is it to find a single personality which is the perfect product and intensified embodiment of the two. Accordingly, in all spheres and ranges of human society we instinctively resort to organization as a means by which the idiosyncrasies of individuals, and the one-sidedness of classes may be eliminated, and the total wisdom and total force of masses be secured. Associations, Legislatures, Congresses, Parliaments, Synods, Conferences, Councils

are the result. And while it may possibly be granted that certain narrow interests of a single sex may best be served by organizations composed of representatives of a single sex, it must, on the other hand, be affirmed that no broad human interest affecting both men and women can ever be served in the best and most effective way without the right co-operation of men and women. The form and the extent of the co-operation will differ under different conditions, and differ immensely; but the co-operation itself in some form and to some extent must be had, or the interest perishes.

When the Neely amendment was pending, I had the honor to lay before a committee of New England Conference a certain preamble, with resolutions, based upon broad and balanced Biblical teaching. It was amusing to see the gingerly way in which the leaders on both sides remarked upon them, and the evident relief of all when I withdrew the paper. I give them here, because I believe they sum up the truth touching a concrete case in a perfectly unpartisan way, and in a form level

to the intelligence of all. They were as follows:

WHEREAS, In his moral government God is no respecter of persons; and

WHEREAS, In Christ Jesus there can be neither Jew nor Greek, there can be neither bond nor free, there can be no male and female (Revised Version); and

WHEREAS, In the Christian Church the apostle Paul is forever calling aloud to every son Timothy: "I charge thee in the sight of God, and Christ Jesus, and the elect angels, that thou observe these things without predjudice, doing nothing by partiality;" and

WHEREAS, According to the Word of God, Adam was first formed, then Eve; and

WHEREAS, According to the same supreme authority, the head of the Christian family is not mother and father, but father and mother; and

WHEREAS, The Church, like the family, should be sustained, developed, and administered by men and women, not by women and men; and

WHEREAS, Forgetfulness of these divine teachings is at the bottom of the great dissension now agitating and disturbing our Church; therefore,

Resolved, 1. That whenever a majority of the men of any Quarterly Conference elect to be represented in the Lay Electoral Conference by one of their own official body who is a woman, and the elected member consents, such representation is not unscriptural or improper, and it ought not to be prohibited by any Church law, least of all by a permanent constitutional ordi-

nance indirectly fastened upon the Church by a possible vote of but one voice in excess of *one-quarter* of the traveling elders of the Church; and this in plain contravention of what must be taken to be the expressed judgment and will of the laity.

2. That whenever a majority of the men of any Lay Electoral Conference elect to be represented in the General Conference by one of their own official body who is a woman, and the elected member consents, such representation is not unscriptural or improper, and it ought not to be prohibited by any Church law, least of all by a permanent constitutional ordinance indirectly fastened upon the Church by a possible vote of but one voice in excess of *one-quarter* of the traveling elders of the Church, and this in plain contravention of what must be taken to be the expressed judgment and will of the laity.

3. That in the vote about to be taken in this Conference upon the question of amending the Second Restrictive Rule, as proposed by the General Conference, our individual suffrages are given, and must be understood to be given, as favoring or disfavoring the eligibility of women to the Lay Electoral and General Conferences, only under the conditions above expressed in resolutions one and two. Apart from these conditions our vote must not be counted, and is of none effect.*

* Immediately after the publication of these resolutions in *Zion's Herald*, two influential ministers, one in Minnesota and one in Pennsylvania, wrote to ex-

I could not and did not expect a committee, made up as was ours, to unite, during a hasty half-hour's session, upon resolutions so foreign to the previous thought of all. Nevertheless, it seems to me that I may expect that before the opening of our next General Conference, many readers of this paper will be ready to say: "Here is at least one way in which the radical can respect the scruples of his conservative brother, and the conservative brother consistently grant the desire of the radical. Why should we not adopt it?"

A little way back I agreed that the Church was bound to deny to women a place in the General Conference until the men of the Church are willing in some appropriate way to invite them to enter. That, however, was a man's way of putting the thing, and the way of an opponent at that. A woman's way of putting it would perhaps be this: "We can bring no help or

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press a wish that I had so framed the resolutions as to allow the Quarterly and the Electoral Conferences to elect *any properly qualified member of the Church*, whether such person were a member of the electing Conference or not. This amendment would be wholly agreeable to me, if acceptable to all the parties whom I am trying to harmonize.

blessing to the General Conference until we are wanted. Therefore, until in some appropriate way the men in possession invite us to share their labors, the less we say or think of entering, the greater will be our current self-respect, the greater also the moral dignity of our attitude."

In both puttings it will be observed that the mode of the invitation is left undefined; it is only to be "in some appropriate way." Why do I express myself so vaguely? Simply because, under various supposable conditions, various modes would be equally appropriate. For example, if an overwhelming majority of the men elected to the General Conference of 1888 had desired the admission of the women delegates, and had voted to ratify the views of Church law upon which the Quarterly and Electoral Conferences represented by women had proceeded, such action would have been a perfectly appropriate and valid mode of inviting the co-operation of the elect sisters, and of all whom they represented; or, if any General Conference, without the protest of any minority, were to invite the next Electoral Conferences to send up to the following

General Conference, as lay delegates, men or women as they might choose, that, too, would be a sufficient and appropriate invitation. In such a case I see no reason why a self-respecting woman in a Quarterly Conference would need to abstain from voting for a sister member of the same Conference as delegate to the Lay Electoral Conference, in case she considered her a desirable representative; in other words, I do not think that, in such a case, it would be needful or proper to make the election of a woman to depend wholly on the choice of the men. As things now are, however, with the men of the Church divided into great parties favoring or opposing the eligibility of the women, it seems to me that, as all parties can consistently and conscientiously and fraternally unite on the principles embodied in the resolutions above, it would have been well had the late General Conference considered the mode of the invitation therein expressed as, at the time, wise, if not ideally the most appropriate. I am sincerely sorry that a form so apparently grudging and ungracious seems to be the best my sex can offer; but we must take men as

they are, and even this outcome would be far better than either a Bourbon or a Jacobin victory petrified into Constitutional Law and made the ground for new wranglings. The principle that neither men nor women are Scripturally excluded from the government of the Church would be secured, and whatever change in details of form or method the Biblical idea requires would surely follow in its time. So much for the pacification of my radical brother.

Now a word to my brother on the conservative side. You, dear brother, feel yourself every inch a man. You were created for liberty and lordship. You feel personally responsible for the way things go in this world over which God has set you. You magnify your headship in the family, and resist a generation that seems to you forgetful of the Scripture declaration that "the head of the woman is the man." All right. Just because your sentiments are of this sort you are bound to vote for my resolutions above. In proportion as you emphasize man's responsibility and man's freedom, in precisely the same proportion are you bound to resist the limitations which your party leaders are trying

to put upon men in the Quarterly and
Electoral Conferences. A doctrine of ma
headship that denies to men the power
execute men's will through and by me
of women subjects as well as men subj
cuts off its own head. Look at the ma
coolly, and ask yourself if it is not so.

With one more application of our Sc
tural doctrine, I close. It shall be its
plication to religious journalism.

Last Friday night Judge Sinclair wal
home from prayer-meeting with his pas
and this is what they said:

Judge Sinclair. Good evening, Brot
Goodwill.

Pastor Goodwill. Good evening, Judg

J. S. Have you read those interminа
articles in the *Advocate* on the "Status
Men and Women?"

P. G. (*in a non-committal tone*). Y–e
that is, so far as they have yet appear
What do you think of them?

J. S. Well, the fundamental idea is in
esting; and it raises a great many i
questions not yet discussed.

P. G. Such as—

J. S. Our official Church papers, for
stance.

P. G. I doubt if I see your point.

J. S. Why, if, as we are told, the ideal minister is "not a man, nor yet a woman, but a man *and* a woman," and if, as we are further told, the ideal Church legislator is neither a man nor a woman, but a man *and* a woman, must not the same hold true of the ideal editor of any of our *Christian Advocates?*

P. G. Your question is certainly worth considering.

J. S. To me it is all the more interesting from the fact that I have long desired to see our official press receive a new and more searching consideration at the hands of the leading minds of the Church. Did you see in a recent number of the *Northern* the strong language of Colonel W—— relative to the perils of the Church from this quarter?

P. G. I did. And Colonel W—— is a man of great wisdom and worth. But you know he seldom has a word of praise or of hope for anything connected with our Church economy.

J. S. Still, he is not by any means alone in his views on this point. I have heard many loyal and intelligent Methodists ex-

press the wish that we had no official Church papers whatsoever. Look at these General Conference editors. What an undefined and almost irresistible episcopacy they have come to exercise over our total ecclesiastical life! Not even our bishops can call one of them to account for the manner in which he is discharging his duties. So long as his conduct is not outrageously inconsistent with the character of a Christian minister, no officer or member of the Church can protect himself against anything that such an editor may choose to say respecting him, or respecting his opinions or work. What pressure are they able to bring to bear on men older and wiser than themselves! Even their patronizing compliments are often as much to be dreaded as their words of criticism. Who can, for a moment, feel comfortable, or even safe, so long as he must manage to keep on living terms with these men, or suffer the consequences?

P. G. You surprise me by your earnestness, Judge. What has happened? The power which our editors have come to wield is great, I admit; but surely it is a tribute to their wisdom and general fair-mindedness

in the past that no General Conference has yet found it necessary to adopt rules for their restraint, or for their more particular direction.

J. S. General Conferences are not so eminent for the keenness of their sense of justice as to make an inference of that kind of superlative value. I could easily mention other omissions on their part, and draw inferences less polite.

P. G. For example?—

J. S. No General Conference has yet adopted the rule that, every other quadrennium, the editors of our Church papers shall be chosen from the ranks of the laity. Neither has any General Conference yet adopted the still better plan of choosing, every quadrennium, for each of our Church periodicals, one minister as editor and one layman as associate editor. What do you infer from that?

P. G. To tell the truth, I never once thought of it till this moment.

J. S. You ask me what has happened, and why I seem to speak with earnestness on this subject of the official press. I answer: Nothing has happened to me or to any particular friend of mine. But what has *not*

happened to the Church and to its public organs these past two years of controversy? I confess I am humiliated and alarmed at the spectacle.

P. G. I fear I have not yet gained your point of view.

J. S. Do these editors own our Church periodicals?

P. G. By no means; no more than you or I. They belong to the Church as a whole, and to every member in particular.

J. S. Exactly. And when the General Conference lays a great constitutional question before the entire Church, asking it to deliberate upon it, and to render a decision according to the godly judgment of every minister and every layman, which party to the question is entitled to use the Church papers in advocacy of its views, with perpetual editorial sympathy and aid?

P. G. Certainly each party has a right, and an equal right, to use the papers for the advocacy of its views; but so long as editors are men I hardly see how each party can hope to find in each paper equal "editorial sympathy and aid." Would you silence the editors entirely on such a question, leaving the proprietors of the

papers to debate the thing through in alternate contributions of equal aggregate space?

J. S. Why not?—only with the understanding that, over his own signature, and in the space allotted to his party, the editor might put in a contribution as often as any other one brother, and under the same rules of fair discussion.

P. G. Your idea is very interesting. It looks as fair as it is novel.

J. S. It is simply just; nothing more, nothing less. In this great constitutional debate the official editor simply occupies the chair. He is in the position of the moderator in a deliberative assembly. It is his duty to see that decorum and the rules of fair discussion are observed. In this position of presiding officer he has no right to express his sympathy with the one side more than with the other. To interrupt a speaker, or to reply to him for the sake of breaking the force of his argument, is the height of impropriety in a moderator of debates; so it should be considered in an editor in our present discussion. When the moderator desires to take a hand in the debate over which he is presiding, he tempo-

rarily leaves the chair, and submits to all the rules that govern the other debaters; so should it be with our editors. How it has been, we all know. In which of our official journals has absolute editorial fairness been seen? Some have sinned on the one side, and some on the other. At times, in at least one, it has seemed to me well-nigh as much as a man's life was worth to try to get a fair hearing for convictions differing from those of the editor. At every step one was sure to be editorially interpreted and belabored in a manner intolerable to any honorable and sensitive mind. Though the contributor was, in every case, a PROPRIETOR of the journal, and was attempting to address his co-proprietors upon a matter of most serious interest to them all, this temporary moderator of the debate, dressed in brief authority, would interrupt whensoever he chose, and at any length, and at the end ridicule and twist the whole to his heart's content. I care not who has been guilty of such conduct, or to which side he belongs, I simply affirm that wheresoever it has occurred, and whichever party it has helped, the procedure itself has been an outrage on

every principle of justice and a stinging disgrace to the Church.

P. G. Bravo, friend Sinclair! You were born for the bench. Your arraignment of this miserable business is right. I wish it could be uttered in the hearing of the whole Church. I have felt the iniquity of the thing again and again, but never have I seen it so clearly before.

J. S. Thank you for so satisfactory a verdict. We can not cure the evil to-night; but when they next send you to a General Conference, I hope you will do your duty.

P. G. I certainly shall, if Judge Sinclair is my colleague. But what were you about to say at the beginning of our walk about the bearing of the "dual human unit" on the problem of the editing of our journals?

J. S. Simply this, that an immensely important sociological truth seems to me to underlie the suggestion that the ideal Church editor is not a man, nor yet a woman, but a man *and* a woman. Other things being equal, a man and a woman are more of an intellectual and spiritual aggregate than a man and a man. Somehow, they are more rich in invention, more just in

judgment, more comprehensive in taste; in a word, more mutually complemental in all things. Somehow, they are—

P. G. Excuse my interruption; but if your view is correct, why is it that in the field of literature for one collaborating Beaumont and Fletcher pair we do not find ten or twenty collaborating William and Mary Howitt pairs?

J. S. For the same reason that, back of our own generation, for any one eminent literary woman you find ten or twenty eminent literary men. You know very well how to account for this last fact.

P. G. Of course. Until the world lately woke up to the fact that women are as capable of literary achievement as men, and that they need as high and thorough an education as men, there was no chance to secure to each sex an equal roll of immortals in the field of literature.

J. S. Exactly; and, for the same reason, back of our own generation there has never been any considerable class of thoroughly educated women from whose ranks thoroughly educated men could select congenial and competent partners for their literary life-work. Our social state at this moment

is something new in the history of the world. Never before was there upon the earth such a population of broadly and thoroughly educated women. President Seelye prophesied the other day that here in America, a few years hence, the largest educated class, and the most highly educated class, will be found among our women. Such a revolution in the life and powers and possibilities of women accounts for the marvelous interest everywhere felt in all questions relative to sex and relative to the spheres and relations of men and women. A great social transformation has taken place in one-half of the modern world, and society is unconsciously laboring and straining to adjust itself thereto. In the new adjustment we are going to see some stranger things than the installation of a dual human unit as editorial head of each of our *Christian Advocates*.

P. G. From what you said awhile ago, I thought your ideal was a minister as editor and a layman as associate editor. And were you not just a little severe on the General Conferences because none of them had ever taken up and acted upon your idea?

J. S. Who told you that, in legal language, a layman could not be a woman?

P. G. Ah! But what is your real idea? Would you have a minister as editor, with a literary wife as associate lay-editor, on equal, or approximately equal, salary?

J. S. In a childless household just that might happen to be an ideal arrangement. All would depend upon the question whether or no we had in this manner secured the best man and the best woman whose services could be commanded for the paper?

P. G. I see. And for a "London Journal of Original Verse" I can imagine that Mr. and Mrs. Browning would have made a very promising editorial firm.

J. S. And if so after marriage, why not before?

P. G. Sure enough. I had not thought of that. But I still feel some misgivings. Would not the personal relations, in the case of our editors, be somewhat delicate? If, for example, a married editor had an unmarried assistant editor who was a lady, would there not be danger of too much (or too little) congeniality in their literary co-operation?

J. S. Why should there be any greater delicacy than in the case of a married principal and an associate lady-principal at the head of an academy or college? These cases abound all over the country, and who ever hears of harm?

P. G. My question, I see, was a foolish one; for, as you know, I am myself associated in a similar way with our parish visitor. I forgot that; and yet in some respects our relationship as pastor and assistant needs to be a more sacredly confidential one than would be that of an editor and his associate. How stupid I was! But here we are at the parsonage. Come in and let us finish our talk in the library.

J. S. (*extending his hand.*) No, thank you; it is too late. Good-night.

P. G. (*responding in a cordial hand-shake.*) Well, I must at least thank you for some fresh ideas. Good-night.

J. S. (*soliloquizing on his way to his house.*)

> "Two are one and one is two,
> All the run of nature through;
> Land and sea are one round sphere,
> Night and day the rounded year;

One at root are gloom and glee,
Twain the human unity."

(*A pause.*)

"Woman is not undeveloped man,
But diverse: could we make her as the man,
Sweet love were slain. His dearest bond is this:
Not like to like, but like in difference.
Yet in the long years liker must they grow;
The man be more of woman, she of man;
He gain in sweetness, and in moral height,
Nor lose the wrestling thews that throw the world;
She mental breadth, nor fail in childward care,
Nor lose the childlike in the larger mind,
Till at the last she set herself to man,
Like perfect music unto noble words.
And so these twain upon the skirts of Time
Sit side by side, full-summed in all their powers,
Dispensing harvest, sowing the to-be,
Self-reverent each, and reverencing each,
Distinct in individualities,
But like each other even as those who love.
Then comes the statelier Eden back to men;
Then reign the world's great bridals chaste and calm;
Then springs the crowning race of human kind.
May these things be!"

GENERAL INDEX.